Grant Thornton

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August 16, 2019

Jamey Tesler, Esq.
Acting Registrar
Commonwealth of Massachusetts - Registry of Motor Vehicles
10 Park Plaza, Suite 4160
Boston, MA 02116

Dear Mr. Tesler:

Pursuant to our engagement agreement and related statement of work between Grant Thornton LLP and the Commonwealth of Massachusetts - Registry of Motor Vehicles, executed on July 10, 2019, attached please find our Preliminary Report.

We appreciate the opportunity to be of assistance to the Commonwealth of Massachusetts - Registry of Motor Vehicles.

Kind regards,

Jimmy S. Pappas
Partner
Grant Thornton LLP

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Grant Thornton

COMMONWEALTH OF MASSACHUSETTS
REGISTRY OF MOTOR VEHICLES

GRANT THORNTON LLP
PRELIMINARY REPORT
AUGUST 16, 2019

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I. INTRODUCTION AND ASSIGNMENT OBJECTIVES

Grant Thornton LLP ("Grant Thornton", "we", "us", "our") was retained by the Commonwealth of Massachusetts – Registry of Motor Vehicles (the "RMV") pursuant to the provisions of our engagement agreement and related statement of work executed on July 10, 2019.

Grant Thornton's scope of work includes the following:[1]

1. Conducting a root cause analysis with respect to the circumstances that prevented the RMV's timely revocation of a Massachusetts commercial driver's license, or CDL, following an out of state notification of a disqualifying event as has been widely and publicly reported.
2. Gaining an understanding of processes, internal controls, and policies with respect to the timely processing by the RMV of state-to-state notices of motor vehicle violations.
3. Recommending improvements with respect to risk management, internal controls, protocols, and policies impacting the effectiveness and efficiency of RMV responses to reports of state-to-state motor vehicle violations that may warrant or require the suspension or revocation of passenger and/or commercial driver licenses.
4. Reviewing the RMV's organizational structure and making recommendations, as necessary, to establish clear lines of responsibility and accountability for responding to state-to-state communications about motor vehicle violations and administering license suspensions and revocations for passenger and commercial vehicle licenses.
5. Other related services, as requested by the RMV.

Our work is ongoing and has touched upon all of these areas to-date.

Our engagement agreement and related statement of work with the RMV calls for the issuance of a preliminary report at a date to be mutually agreed upon by Grant Thornton and the RMV, and the issuance of a final report 60 days subsequent to our formal engagement date, unless the RMV and Grant Thornton mutually agree to an extension. In addition, our engagement agreement and related statement of work stipulate the following: a) Grant Thornton retains sole discretion with respect to the contents of any of its deliverables (such as reports) including but not limited to conclusions, opinions, recommendations and tasks it must undertake to reach such conclusions, opinions and recommendations, and b) the RMV may not reject a Grant Thornton deliverable because it disagrees with the conclusions reflected in such deliverable.

[1] Engagement agreement and related statement of work between Grant Thornton and the RMV, executed on July 10, 2019.

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II. LIMITATIONS AND DISCLAIMERS

A. Standards of Performance

Our services were provided in accordance with the Statement on Standards for Consulting Services promulgated by the American Institute of Certified Public Accountants (the "AICPA") and, accordingly, neither constitute a rendering by Grant Thornton or its partners or staff of any legal advice, nor do they include the compilation, review, or audit of financial statements, as defined by the AICPA.

Our scope of work is as set out in our engagement agreement and related statement of work and is described in this report. Our services do not constitute an audit, review, or compilation in accordance with relevant auditing and attestation standards and, consequently, we do not express an opinion pursuant to those standards. Because our services are limited in nature and scope, they cannot be relied upon to discover all documents and other information or provide all analyses that may be of importance in this matter.

B. Limitations on Distribution

This report is restricted for the use of the parties subject to our engagement agreement and related statement of work, and should not be disclosed to unauthorized third parties. We have not and shall not be deemed to assume any duties or obligations to any third party. This report is limited to the specific scope of work agreed to with the RMV and as specified in our engagement agreement and related statement of work. Our report may not be copied, reproduced, disseminated, distributed, or otherwise made available to any third party, in whole or in part, without the express prior written consent of Grant Thornton. Grant Thornton's consent may be withheld for any reason. In preparing this report, Grant Thornton used professional care and diligence and relied upon the information provided by the RMV and other sources for our analysis. No representation or warranty, express or implied, is made by Grant Thornton as to the accuracy or completeness of the information relied upon and included in this report.

Grant Thornton acknowledges and accepts that all information and records supplied to and created for the RMV are public records and subject to public disclosure, and in the normal course of its duties, the RMV may also use this information to prepare related documents that are released to the public. Notwithstanding the RMV's permission to use the information provided, any work product, deliverables, or documents delivered by Grant Thornton shall be released only as redacted in accordance with law or with the prior written permission of Grant Thornton. This report is not to be used for any other purpose, and we specifically disclaim any responsibility for losses or damages incurred through the use of this report for a purpose other than as described in our engagement agreement and related statement of work.

III. DEFINED TERMS

The following terms are defined in and used throughout this report. They are also included here for reference purposes.

1. "**AAMVA**" – American Association of Motor Vehicle Administrators. "AAMVA has been designated by FMCSA [see below] as the system operator of CDLIS [see below]. AAMVA is responsible for the CDLIS Central Site [see below] and the telecommunications network used by CDLIS. In addition, AAMVA defines the messages and transactions used in CDLIS, and provides help desk support for CDLIS."[2]
2. "**ACD**" – AAMVA Code Dictionary. A list of codes that are used to categorize and transmit driver conviction and withdrawal data from state-to-state.[3]
3. "**ALARS**" – Automated Licensing and Registration System. ALARS is the database used by the RMV to store and manage the driving records and registered vehicles in the Commonwealth of Massachusetts.[4] "ALARS is the RMV's legacy recordkeeping system which is being transitioned to a new system called ATLAS."[5]
4. **ATLAS** – "A browser-based software used by the RMV to manage and maintain records. Designed as a replacement for ALARS, the current version contains functionality focused on Driver Services. Vehicle services will be incorporated into ATLAS in November of 2019, at which time ALARS will be decommissioned."[6]
5. "**CDL**" – Commercial Driver's License. "A license issued by a State or other jurisdiction…to an individual which authorizes the individual to operate a class of a commercial motor vehicle."[7]
6. "**CDLIS**" – Commercial Driver's License Information System. "A United States-wide network composed of (1) the distributed database that stores information about commercial drivers…and (2) the associated hardware and software used to manage the commercial driver information."[8]
7. **CDLIS Central Site** – "The node on AAMVAnet that maintains the CDLIS Master Pointer Records, processes a number of transactions between jurisdictions, and reports CDLIS activity to FMCSA."[9]
8. **Conviction** – An adjudication of guilt.[10]
9. "**DCU**" – Driver Control Unit. A department within the RMV whose mission is to, "ensure public safety by removing dangerous drivers from the Commonwealth's roadways through the enforcement of statutorily mandated and discretionary license suspensions and revocations."[11]
10. **"FAST"** – Fast Enterprises, LLC.

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[2] AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 6.
[3] Ibid. pg. 172.
[4] ALARS & ATLAS: Inquiry Manual dated 2019 pg. 69.
[5] Ibid. pg. 6.
[6] Ibid. pg. 61.
[7] ACD AAMVA Code Dictionary Manual Release 5.2 dated 2018 pg. 138.
[8] AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 1.
[9] Ibid. pg. 174.
[10] Ibid. pg. 174.
[11] PFC Strategy Offsite: Family Eight Executive Summary and Action Matrix dated May 4, 2016 pg. 2.

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11. "**FMCSA**" – Federal Motor Carrier Safety Administration. A division of the U.S. Department of Transportation responsible for monitoring state compliance with federal standards related to commercial motor vehicles.[12]
12. **Jurisdiction(s)** – Refers to one or more of the 50 U.S. states or the District of Columbia.[13]
13. "**MassDOT**" – The Commonwealth of Massachusetts Department of Transportation.
14. "**MA EOTSS**" – The Commonwealth of Massachusetts Executive Office of Technology Services and Security.
15. "**MRB**" – The Merit Rating Board, a department within the RMV.
16. "**NDR**" – National Driver Register. "A central repository of information on individuals whose privilege to drive has been revoked, suspended, canceled, or denied or who have been convicted of specific Highway-Safety Related traffic offenses."[14]
17. "**OOS**" – Out-of-state.
18. "**PFC**" – Process Family Champion. The RMV individual that supports a certain process.[15]
19. "**RMV**" – The Commonwealth of Massachusetts Registry of Motor Vehicles.
20. "**S2S**" – State-to-State. The S2S Verification Service is a voluntary "means for states to electronically check with all other participating states to determine if the applicant currently holds a driver license or identification card in another state."[16]
21. **SPEX** – Team within the Driver Licensing department that supports the S2S verification service.[17] [18]
22. **Withdrawal** – "A disqualification, suspension, revocation, etc. of the driver's license."[19]

[12] ACD AAMVA Code Dictionary Manual Release 5.2 dated 2018 pg. 139.
[13] AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 177.
[14] Ibid. pg. 7.
[15] RMV Process Family Strategy Offsite Results dated June 20, 2016 pg. 2.
[16] AAMVA State to State via *https://www.aamva.org/State-to-State/* accessed August 11, 2019.
[17] Ibid.
[18] RMV Organizational Charts as of July 1, 2019.
[19] AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 182.

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IV. EXECUTIVE SUMMARY

On June 21, 2019, Volodymyr Zhukovskyy ("Mr. Zhukovskyy"), a holder of a Commercial Driver's License ("CDL") and a Class D Driver's License ("Class D") issued in the Commonwealth of Massachusetts,[20] was driving in the State of New Hampshire when his vehicle struck and killed seven motorcyclists (the "Accident").[21] Prior to the Accident, the RMV received electronic (on May 29, 2019) and paper (on June 4, 2019) notifications from the State of Connecticut advising of Mr. Zhukovskyy's refusal to take a breathalyzer test after being stopped by authorities while driving in that state, and of Connecticut's decision to withdraw his CDL privileges effective June 10, 2019.

The handling of electronic and paper notifications was subject to separate RMV processes and protocols by different departments within the RMV. Each of these processes failed to post the Connecticut notifications on Mr. Zhukovskyy's driving record prior to the Accident. The RMV has concluded that had either one of these notifications been processed prior to the Accident, Mr. Zhukovskyy's CDL in the Commonwealth of Massachusetts would have been revoked.

Grant Thornton's procedures are ongoing. Based on our work to-date, however, our preliminary findings, which are subject to revision and supplementation, indicate the following:

Electronic Connecticut Notification – The electronic notification was received by the RMV's Driver Services software, ATLAS, on May 29, 2019. Instead of posting directly on Mr. Zhukovskyy's driving record, after certain system validation checks, the notification was diverted into a queue requiring manual intervention because the system was not configured to process notifications with a revocation/conviction effective date subsequent to the ATLAS notification receipt date. That queue had been assigned to the SPEX unit of the RMV since the deployment of ATLAS' first release on March 26, 2018 ("ATLAS Release 1"). SPEX, therefore, was responsible for evaluating any items that within that queue.

Susan Crispin ("Ms. Crispin"), who led, and still leads, SPEX, first completed items in that queue in January 2019. Ms. Crispin stated during interviews that in a March 2019 email exchange with employees of Fast Enterprises, LLC ("FAST"), the company implementing ATLAS at the RMV, she discussed her view that certain items in that queue were erroneously labeled as items requiring posting on drivers' records and should instead all be closed. Ms. Crispin stated that based on the email exchange with FAST, she was under the impression that she would not have to complete the items in the queue as they would be addressed through a configuration change in ATLAS. FAST opened a service ticket request to evaluate Ms. Crispin's concerns, but as of the date of the Accident, the service ticket request was still pending evaluation. Based on email communication we have reviewed, however, Ms. Crispin appears to have been aware that even if certain items may have been erroneously labeled as items requiring posting on drivers' records, other items in that queue were not being erroneously labeled. As such, Ms. Crispin and the SPEX unit should have been completing any items in the manual intervention queue pending any new guidance from FAST regarding a possible system configuration change. There was a total of 364 work items in that queue as of the date of the Accident, inclusive

[20] RMV Preliminary Memorandum dated July 1, 2019.
[21] State of New Hampshire Request for Administrative Action dated June 24, 2019, submitted by New Hampshire State Police to the New Hampshire Director of Motor Vehicles.

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of the Connecticut notification related to Mr. Zhukovskyy, which was not erroneously labeled and which required posting on the driver's record.

Separately, on May 29, 2019, Michael Noronha ("Mr. Noronha"), a member of the SPEX unit who reports to Ms. Crispin, accessed Mr. Zhukovskyy's driving record. Mr. Noronha performed a work item search in ATLAS, which produced a list of work items that needed to be completed, including Mr. Zhukovskyy's unprocessed notification from Connecticut with the phrase *"AAMVA Add Conviction"* next to Mr. Zhukovskyy's name. Mr. Noronha clicked on that work item, resulting in a display of Mr. Zhukovskyy's driving record in ATLAS. Under the caption of "Open Tasks" on that driving record window, the phrase *"AAMVA Add Conviction"* was displayed again. Mr. Noronha was in Mr. Zhukovskyy's driving record for approximately seven seconds, after which Mr. Noronha exited without making any changes to the record. During an interview, Mr. Noronha stated that, at the time, he had not been trained on posting convictions to drivers' records and that his assigned duties included working on items other than convictions. We verified with FAST that while Mr. Noronha had the system authorization to post convictions to a driving record, he had not done so prior to the Accident. It does not appear that Mr. Noronha brought the open *"AAMVA Add Conviction"* work item related to the Connecticut electronic notification to anyone else's attention for resolution, including Ms. Crispin.

Paper Connecticut Notification – The paper notification was received by the RMV on June 4, 2019. The Merit Rating Board (the "MRB") was the department within the RMV responsible for, in part, processing paper notifications received from other states about infractions in those states by drivers licensed in the Commonwealth of Massachusetts. However, the MRB had effectively ceased processing paper out-of-state notifications since ATLAS Release 1. Based on interviews with the director of the MRB, Thomas Bowes ("Mr. Bowes"), the MRB was experiencing difficulty adopting to the new technology of ATLAS subsequent to the deployment of ATLAS Release 1, and as a result was falling behind on processing both in-state citations and out-of-state notifications.

The RMV Registrar at the time when the paper Connecticut notification was received, Erin Deveney ("Ms. Deveney"), stated in an interview with Grant Thornton that Mr. Bowes made her aware of the difficulty that MRB personnel were having in adapting to the new technology. She further stated that she communicated processing difficulties that the MRB was having to Mindy D'Arbelloff, Deputy Chief of Customer Service and Constituent Affairs in the Governor's Office, Stephanie Pollack, Secretary and CEO of the Commonwealth of Massachusetts Department of Transportation ("Secretary Pollack"), Jamey Tesler, who at the time was the Chief of Staff to Secretary Pollack and who is currently the Acting Registrar of the RMV ("Mr. Tesler" or the "Acting Registrar"), and Jacquelyn Goddard, Communications Director for the Commonwealth of Massachusetts Department of Transportation (the "MassDOT"). According to Mr. Tesler, he remembers a conversation with Ms. Deveney about difficulties within the MRB in adapting to the new ATLAS technology and the impact on operational effectiveness.

According to Ms. Deveney, as a result of the difficulty that the MRB was experiencing, she approved for the MRB to prioritize processing in-state citations over out-of-state notifications. In describing her rationale, she stated that even if out-of-state notifications were delayed in being processed, they were already reflected in the National Driver Register ("NDR") (at least the more egregious violations) and would be applied to the driving record of a Commonwealth of Massachusetts driver when such record was checked against the NDR during a

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license renewal or during any adjudication hearing in the interim. Until in-state citations were processed, however, there would be no record of the related violations in any system, Ms. Deveney stated.

Subsequent to the Accident, after it became apparent that the RMV had failed to process the electronic notification, the RMV discovered boxes of unprocessed paper out-of-state notifications. Based on our work to date, those notifications appear to have stopped being processed by the RMV in a systematic manner around 2014. At that time, it was the Driver Control Unit (the "DCU") of the RMV which, in part, was responsible for processing paper out-of-state notifications. Ms. Deveny stated that in 2016 she approved a plan to transfer processing of paper out-of-state notifications from the DCU to the MRB. Ms. Deveney stated during that period, the RMV, with assistance from consulting firm Acelar Inc., was examining key processes to find ways to improve operating efficiencies; she recalls meetings taking place during which representatives from the Governor's office and the MassDOT would usually participate. According to Ms. Deveney, the transitioning of processing paper out-of-state notifications from the DCU to the MRB was discussed in one of those meetings but she does not recall whether in that particular instance any representatives from the Governor's office or the MassDOT attended.

Ms. Deveney stated that Secretary Pollack had given her the authority to use her own discretion in deciding whether to proceed with certain projects and that the transitioning of out-of-state notifications processing from the DCU to the MRB was one of those projects for which she did not feel she needed to separately discuss with anyone outside the RMV before giving approval for the transition to take place. Secretary Pollack stated during an interview with Grant Thornton that she had no contemporaneous knowledge of the existence of the backlog or the transferring of responsibility for processing paper out-of-state notifications from the DCU to the MRB, and that she first became aware of these issues subsequent to the Accident.

Toward the end of 2016, the MRB assumed responsibility for processing paper out-of-state notifications prospectively. The then existing backlog of unprocessed paper out-of-state notifications that had been built up since 2014 remained unprocessed.

Based on Grant Thornton's work to-date, we have identified several factors that likely contributed to the failure of the RMV to timely process the Connecticut notifications. One such factor relates to inadequate operational control, while another relates to inadequate risk management, both as further described in this report. Also in this report, we make various preliminary recommendations for changes in risk management.

Our work is ongoing. We currently anticipate issuing a final report by September 13, 2019.

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V. BACKGROUND AND ENGAGEMENT APPROACH

A. Background

On June 21, 2019, Mr. Zhukovskyy was involved in the Accident.[22] On June 25, 2019, Ms. Deveney resigned from her position as Registrar and Mr. Tesler was appointed Acting Registrar.[23]

On July 1, 2019, the RMV Acting Registrar and Marie Breen, the MassDOT General Counsel (the "MassDOT General Counsel") issued a preliminary memorandum on the circumstances surrounding the Accident, noting that the RMV received information from the State of Connecticut, which was not acted upon in a timely manner and which should have otherwise resulted in the termination of Mr. Zhukovskyy's CDL prior to the Accident. The preliminary memorandum also described a general lack of timely processing by the RMV of notifications (concerning CDL and Class D) received from other states regarding out-of-state infractions by Commonwealth of Massachusetts-licensed drivers.[24]

Also on July 1, 2019, the RMV contacted Grant Thornton's Boston office telephonically to inquire as to our availability to provide professional services related to this matter. On July 2, 2019, representatives of Grant Thornton, both telephonically and in person at the RMV headquarters in Quincy, Massachusetts, participated in a meeting with Mr. Tesler and members of the MassDOT Audit Operations team to discuss a scope of work. On July 10, 2019, the RMV and Grant Thornton executed an engagement agreement and related statement of work. On the same date, Grant Thornton commenced its work on this engagement subject to the scope of work described in section *I. INTRODUCTION AND ASSIGNMENT OBJECTIVES* of this report.

B. RMV Overview

The RMV is part of the MassDOT, which is led by the Secretary of Transportation and overseen by a Board of Directors, and which in turn is part of the executive branch of the Commonwealth of Massachusetts state government, which is led by the Governor, as the organizational chart on the following page indicates:[25]

[22] State of New Hampshire Request for Administrative Action dated June 24, 2019, submitted by New Hampshire State Police to the New Hampshire Director of Motor Vehicles.
[23] RMV Preliminary Memorandum dated July 1, 2019.
[24] Ibid.
[25] 2009 Transportation Reform Act Overview via *https://budget.digital.mass.gov/bb/h1/fy11h1/prnt_11/exec_11/pbuddevcost.htm* accessed July 24, 2019.

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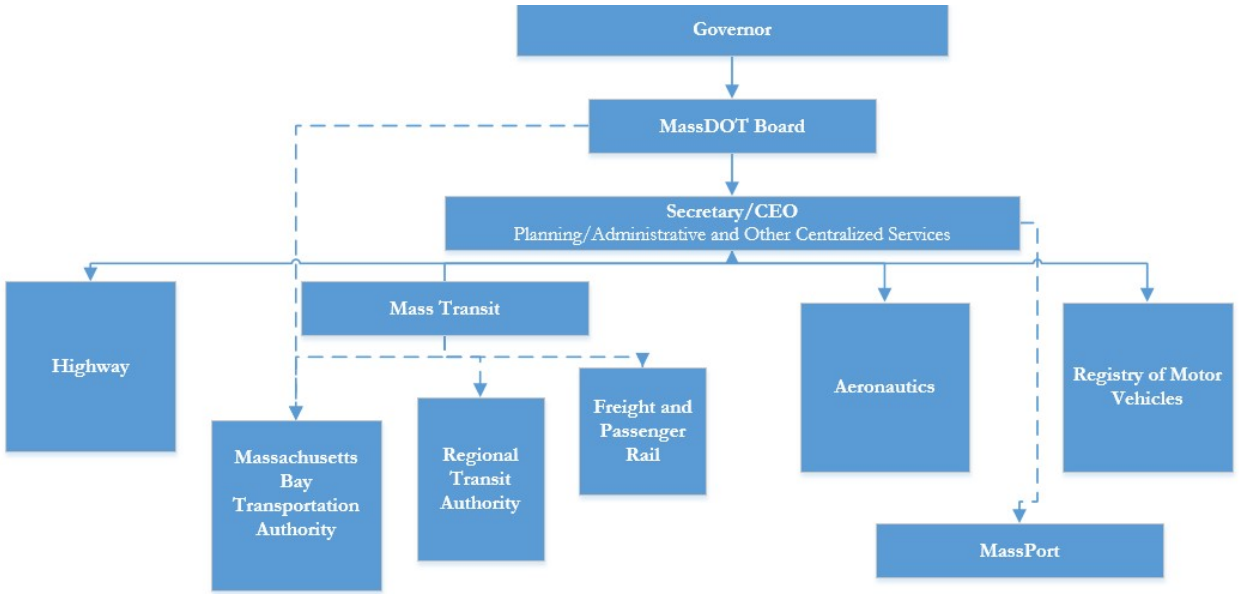

The RMV's current organizational structure is reflected in the chart included as **Exhibit A** to this report.

The operating segments of the RMV include the following:[26]

- **Road Test and Drivers Licensing** – This department is managed by the Chief Operating Officer and includes the following:[27]
    - **Road Test Program** – Administers passenger and motorcycle road tests by RMV Road Test Examiners on planned routes at different locations across the Commonwealth of Massachusetts.[28]
    - **Driver Licensing Department** – Manages certifications of Professional Driving Instructors and Professional Driving Schools. Includes eligibility requirements, the driving test program, curriculum for driving school, and identity documents.[29]
    - **SPEX Department** – Supports the S2S verification service, a voluntary means for states to electronically check with all other participating states to determine if the applicant currently holds a driver license or identification card in another state.[30] [31]

- **Enforcement Division** – This department is managed by the Director of Enforcement Services and includes the following:[32]

[26] This is not designed to be a comprehensive description of all departments within the RMV.
[27] RMV Organizational Charts as of July 1, 2019.
[28] Attachment 9 Operational Summary – ATLAS dated March 30, 2016 pg. 25.
[29] Ibid. pgs. 25-32.
[30] AAMVA State to State via *https://www.aamva.org/State-to-State/* accessed August 11, 2019.
[31] RMV Organizational Charts as of July 1, 2019.
[32] Ibid.

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- **Medical Affairs** – The Medical Affairs department is "primarily responsible for setting agency policies and procedures regarding physical qualifications for driver's licenses."[33]
- **The Driver Control Unit / DCU** – "The DCU is responsible for hearing cases of suspension activity for an individual…These cases involve the suspension of a driver's license or registration."[34]

- **The Merit Rating Board / MRB** – Created by statute, the "MRB is managed by a director appointed by the Registrar of Motor Vehicles, the Commissioner of Insurance, and the Attorney General. Its primary mission is to maintain and update driving records and report driving record information to Massachusetts auto insurers and other transportation and public-safety government agencies."[35]

- **Service Centers** – The RMV has 30 service centers where employees interface with customers on such matters as driver's license issuance, vehicle registration and title transactions, as well as registration cancellations, suspension payments, and learner's permit testing.[36] Service Centers will verify a customer's individual identification through electronic verification checks to confirm compliance to standards and policies before issuing a permit test or renewing a driver's license.[37]

As of July 20, 2019, the RMV had 879 employees; 456 are assigned to the Service Centers while the remaining are assigned to other RMV operating segments or handle executive and non-executive administrative tasks. The majority of the non-Service Center employees operate out of the RMV headquarters location in Quincy, Massachusetts.[38]

The MassDOT uses a shared-services model to provide certain administrative and operational support services to the RMV and other agencies under its authority. Per discussions with MassDOT employees, functions such as legal, information technology, audit operations, human resources, and finance are part of the shared services model. As such, the RMV does not have dedicated resources for these functions.

The RMV currently uses two different information technology platforms to manage its mission-critical processes. The first is ATLAS, a FAST commercial off-the-shelf integrated driver-services and vehicle-services software whose modules and subsystems provide government agencies with an integrated, single-source solution for complete administration of driver licensing and control and vehicle titling and registration.[39] FAST was engaged by the RMV to implement ATLAS in order to replace the ALARS system. ATLAS Release 1 was

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[33] Medical Standards Related to Driving via *https://www.mass.gov/medical-standards-related-to-driving* accessed August 11, 2019.
[34] Internal Audit of RMV Driver Control Unit: Hearings Officers dated January 6, 2015.
[35] Overview of the Merit Rating Board dated February 1, 2018 via *https://www.mass.gov/info-details/overview-of-the-merit-rating-board* accessed August 14, 2019.
[36] Massachusetts Registry of Motor Vehicles Locations via *https://www.mass.gov/orgs/massachusetts-registry-of-motor-vehicles/locations* accessed August 15, 2019 and Boston (Haymarket) RMV Service Center via *https://www.mass.gov/locations/boston-haymarket-rmv-service-center* accessed August 14, 2019.
[37] Based on discussion with RMV Executive Director Colleen Ogilvie.
[38] RMV Headcounts and Transfers 2010 to 2019 report dated July 20, 2019.
[39] Based on discussions of ATLAS capabilities with FAST representatives Margaret Gleason and Ben Goodman.

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deployed on March 26, 2018.[40] ATLAS Release 1 replaced only certain functionalities of ALARS. Once the second and final release of ATLAS is deployed, tentatively scheduled for November 2019, it is expected that ATLAS will provide all necessary functionality for the RMV's mission-critical processes and ALARS will no longer be used.[41] During the intervening period between ATLAS Release 1 and the deployment of the second release, the RMV uses both ATLAS and ALARS simultaneously but with each system handling different functionalities.[42]

C. Engagement Approach

a. Procedures overview

The execution of our scope-of-work includes the following broad procedures:

i. Gaining an understanding of the RMV's corporate governance, organizational, and risk management structure.
ii. Gaining an understanding of relevant processes related to our scope of work and how they have evolved.
iii. Gaining an understanding of relevant policies and regulations related to our scope of work.
iv. Interviewing certain current, and to the extent available certain former, RMV employees, contractors, and vendors.
v. Interviewing other relevant Commonwealth of Massachusetts employees, as necessary.
vi. Conducting targeted focus group discussions with RMV employees.
vii. Holding discussions with representatives from select federal and state agencies with oversight responsibility over the RMV.
viii. Identifying and analyzing relevant electronic (inclusive of email communication) and non-electronic records pertinent to the scope of our engagement.
ix. Gaining an understanding of and evaluating relevant information technology system processes.

b. Interviews

Grant Thornton does not pre-clear with the RMV, or any other Commonwealth of Massachusetts entity/official, requests to speak to individuals we deem relevant to our scope of work. If required, however, the RMV and the MassDOT provide logistical support in order for Grant Thornton to gain access to such individuals. Furthermore, interviews, focus group discussions, and discussions with federal and state regulators

[40] RMV Interim Progress Report #4, dated July 19, 2019.
[41] ALARS & ATLAS: Inquiry Manual dated 2019 pg. 61.
[42] Ibid. pg. 7.

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that Grant Thornton initiates are not observed by any RMV official, other Commonwealth of Massachusetts official, or other third party.[43]

As of the date of this report, Grant Thornton has interviewed the following individuals:

#	Name of Individual	Title	Interview Date
1	Tom Bowes (1)	Director of Merit Rating Board (RMV)	7/12/2019
2	Keith Costantino (1)	Director of Driver Control Unit (RMV)	7/12/2019
3	Steve Evans (1)	Director of Driver Licensing (RMV)	7/12/2019
4	Beth Caron	Acting Department Supervisor, Field Services Audit Unit, Audit Operations (MassDOT)	7/15/2019
5	Cheryl Collaro-Surrette	Field Services Audit Manager, Audit Operations (MassDOT)	7/15/2019
6	Jim Logan	Audit Director, Audit Operations (MassDOT)	7/16/2019
7	Brie Dwyer	Special Projects Manager, Audit Operations (MassDOT)	7/16/2019
8	Bob Rowland	CDL Coordinator, Driver Licensing (RMV)	7/18/2019
9	Sara Lavoie	Director of Enforcement Services (RMV)	7/19/2019
10	Susan Crispin (1)	SPEX, Driver Licensing (RMV)	7/19/2019
11	Tom Bowes (2)	Director of Merit Rating Board (RMV)	7/26/2019
12	Colleen Ogilvie	Executive Director – ALARS (RMV)	7/26/2019
13	Betsy Taylor	Chair of the Finance and Audit Committee (MassDOT Board of Directors)	7/29/2019
14	Nancy Cox	System Programmer/System Supervisor, Pdpp (RMV)	7/31/2019
15	Thale Windbush	Contractor (Perspecta)	8/1/2019
16	Donna Cabey	Program Coordinator III – MRB (RMV)	8/1/2019
17	Michael Noronha	SPEX, Driver Licensing (RMV)	8/2/2019
18	Susan Crispin (2)	SPEX, Driver Licensing (RMV)	8/5/2019
19	Keith Costantino (2)	Director of Driver Control Unit (RMV)	8/7/2019
20	Roxanne Coker	Program Coordinator II – MRB (RMV)	8/8/2019
21	Chris Shackett	Program Coordinator II – MRB (RMV)	8/8/2019
22	Jeff Ziegler	Program Coordinator II – MRB (RMV)	8/8/2019
23	Alan Macdonald	Chief Operating Officer (RMV)	8/8/2019
24	Stephanie Pollack	Secretary and CEO (MassDOT)	8/9/2019
25	Joanne Stanley	Board of Appeals Designee (RMV)	8/9/2019
26	Steve Evans (2)	Director of Driver Licensing (RMV)	8/12/2019
27	Erin Deveney	Former Registrar (RMV)	8/13/2019
28	Frederick Apel	Customer Service Rep. III and Ombudsman (RMV)	8/13/2019
29	Scott Freeman	Manager of Driver Control Unit (RMV)	8/13/2019
30	Jamey Tesler	RMV Acting Registrar (RMV)	8/13/2019

[43] We note that on July 12, 2019, Grant Thornton was invited to attend separate interviews of Mr. Bowes, Mr. Costantino, and Mr. Evans that the MassDOT General Counsel held as part of the MassDOT's initial investigation. Grant Thornton has since interviewed these individuals outside the presence of any other party. We also note that to the extent an interviewee is a union member, a union representative observes the interview or participates telephonically. Finally, we note that for certain RMV employees that we interviewed, they personally initiated contact with Grant Thornton and requested to speak with us.

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c. Review of electronic (inclusive of email communication) and non-electronic records

Grant Thornton has agreed to the following protocol with the MassDOT General Counsel regarding obtaining and analyzing relevant email communication and other electronic records that are located on Commonwealth of Massachusetts government servers and devices:

i. Electronic Records for certain RMV employees (the "Custodians")

1. The Commonwealth of Massachusetts Executive Office of Technology Services and Security (the "MA EOTSS"), in coordination with the MassDOT Chief Information Officer, extracted from servers, email communication and other electronic files for Custodians selected by Grant Thornton and for a time period determined by Grant Thornton.[44]
2. For each selected Custodian, the MA EOTSS bifurcates the extracted files into two groups, one involving records (emails and other documents) indicating communication with a Commonwealth of Massachusetts government attorney ("presumptively privileged records") and the other group comprised of records that do not involve communication with a Commonwealth of Massachusetts government attorney ("presumptively non-privileged records"). Presumptively non-privileged records have been provided to Grant Thornton as of the date of this report.
3. The presumptively privileged records will be reviewed initially by MassDOT counsel to identify any records that are privileged. MassDOT counsel will then provide to Grant Thornton any documents from the presumptively privileged group that were not designated as privileged. As of the date of this report, Grant Thornton has not received these records. As an interim step, the MassDOT General Counsel has provided us with a listing of the presumptively privileged records. Grant Thornton has requested that prior to the issuance of our final report, the MassDOT General Counsel provide us with a signed representation stipulating that the records she has withheld are subject to legal privilege and identifying the number of records she has withheld subject to that legal privilege.
4. After receiving the electronic records pursuant to the above-described process, Grant Thornton will apply key search terms to identify potentially relevant documents, which in turn will be reviewed by Grant Thornton for responsiveness.
5. Grant Thornton has requested chain-of-custody documentation to track the provenance of records from when they are extracted from Commonwealth of Massachusetts government servers by the MA EOTSS to when such records are either received by Grant Thornton or are otherwise designated by the MassDOT General Counsel as legally privileged pursuant to the above-described process. Grant Thornton is currently verifying the chain-of-custody documentation it has in its possession as of this writing.

[44] In addition to identifying email and other electronic files for the selected custodians, Grant Thornton has requested that the RMV and the MassDOT undertake steps to identify any other electronic documents residing on RMV and MassDOT servers that may be relevant to our scope of work, as well as any non-electronic documents.

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We have identified the following Custodians whose email communication and related electronic documents are deemed to be potentially relevant to our scope of work. As described in the table below, Grant Thornton: a) has been provided with email container files (i.e., ".pst" files) and flat files by the MA EOTSS, b) has forensically imaged the laptops and desktops hard drives as noted below, and c) forensically imaged mobile devices, as identified below.

Custodian	Period of Email Files (O365) Provided	Period of Email Files (Exchange) Provided	Period of Flat Files Provided*	Number of Laptops / Hard Drives Imaged	Number of Mobile Phones Imaged
Thomas Bowes	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	1	1
Keith Costantino	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	3	1
Erin Deveney	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	3	0**
Brie-Anne Dwyer	January 1, 2016 to July 25, 2019	N/A	N/A	0	0
Sara Lavoie	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	4***	0
Alan Macdonald	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	2***	0
Colleen Ogilvie	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	3	0
Robert Rowland	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	1	0
Mr. Noronha	January 1, 2015 to August 2, 2019	January 1, 2015 to July 15, 2019	All	1	0
Ms. Crispin	January 1, 2015 to July 16, 2019	January 1, 2015 to July 12, 2019	All	2	0

*MA EOTSS informed Grant Thornton that the files collected included each custodian's personal share, in addition to the results of MA EOTSS's search across the RMV group shares for files in which the custodian was identified as being associated with a file (no date filter was applied).
**Grant Thornton received two encrypted mobile phones for this custodian.
***One device not included in this total as it was used by both Sara Lavoie and Alan Macdonald.

ii. Other electronic and non-electronic records

1. We have requested that the MassDOT General Counsel provide us with any other electronic and non-electronic records counsel have identified that are within our scope of work, including but not limited to the following:
    A. Records identified as part of the MassDOT's response to the request for documents made by the Joint Committee on Transportation of the Massachusetts General Court.

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1. The MassDOT General Counsel and her team provided Grant Thornton with a listing of documents made available to the Joint Committee on Transportation of the Massachusetts General Court as of August 13, 2019, as well as certain documents within that listing when requested by Grant Thornton.

B. Records identified as part of the RMV's and the MassDOT's initial investigation into the Accident.

1. The MassDOT General Counsel and her team provided Grant Thornton two emails identified during their initial investigation into the Accident.

C. Records identified as part of a legal hold notice that the MassDOT General Counsel issued on June 26, 2019.[45]

1. The MassDOT General Counsel and her team stated that they did not collect any records related to this legal hold notice.

2. Prior to the issuance of our final report, we will request a signed representation from the MassDOT General Counsel that all such documents have been provided to us.

d. Focus groups

Grant Thornton has requested to conduct two separate focus groups with non-management, union employees of the DCU and the MRB. Scheduling of those focus groups is being coordinated with the MassDOT Labor Relations department as well as union representatives. Attendance is voluntary and does not require disclosure of the participants' names.

e. Meetings with federal and state regulators

As of the date of this report, Grant Thornton has met, in person or telephonically, with representatives of the following regulatory agencies with oversight responsibility over the RMV, with additional meetings with other regulators planned subsequent to the issuance of this report:

i. Federal Motor Carrier Safety Administration
ii. Massachusetts Office of the Inspector General
iii. National Transportation Safety Board
iv. United States Department of Transportation Office of the Inspector General

[45] Document Retention Memorandum dated June 26, 2019.

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VI. PRELIMINARY FINDINGS BY SCOPE OF WORK AREA

A. Conducting Root Cause Analysis and Understanding Processes, Internal Controls, and Policies:

Any preliminary findings discussed in this report are subject to revision and supplementation as our work progresses. For purposes of our preliminary report, we address the following two areas of our scope of work in a combined fashion:

- **Conduct a root cause analysis with respect to the circumstances that prevented the RMV's timely revocation of a Massachusetts commercial driver's license, or CDL, following an out-of-state notification of a disqualifying event as has been widely and publicly reported.**
- **Gain an understanding of processes, internal controls, and policies with respect to the timely processing by the RMV of state-to-state notices of motor vehicle violations.**

Prior to the Accident, the RMV received electronic[46] and paper[47] notifications from the State of Connecticut regarding Mr. Zhukovskyy's refusal to take a breathalyzer test[48] after being stopped by authorities while driving a commercial vehicle in that state,[49] and as further described below.

a. Connecticut electronic out-of-state notification – background and relevant timeline

The American Association of Motor Vehicle Administrators ("AAMVA") is the operator of the Commercial Driver's License Information System ("CDLIS"), a nationwide computer system that enables jurisdictions to share information regarding convictions and withdrawals of driving privileges affecting CDL holders, transfer the driver record when a CDL holder moves to another state, and respond to requests for driver status and history.[50] If the driver is included in the CDLIS Central Site, a repository of driver identification data, "the inquiring jurisdiction will be directed electronically to the jurisdiction that maintains the current driver history record"[51] to ensure information is shared among jurisdictions. When a CDL holder of one state incurs a conviction or has his/her CDL privileges withdrawn by another state (i.e. out-of-state), AAMVA and federal regulations require that the CDL-issuing state be notified by the other state.[52] These notifications are referred to as out-of-state notifications.

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[46] RMV Preliminary Memorandum dated July 1, 2019.
[47] Connecticut Department of Motor Vehicles Official Notice of Citation dated May 28, 2019.
[48] The electronic and paper notifications indicate that the ACD code was A12. The ACD AAMVA Code Dictionary Manual Release 5.2 dated 2018 indicates that code A12 is "refused to submit to test for alcohol."
[49] Connecticut Department of Motor Vehicles Official Notice of Citation dated May 28, 2019.
[50] AAMVA Commercial Driver's License Information System via *https://www.aamva.org/CDLIS/* accessed August 11, 2019.
[51] AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 8.
[52] Ibid. pg. 4.

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The following is a timeline of events related to the Connecticut electronic out-of-state notification:

i. On March 26, 2018, ATLAS Release 1 was deployed.[53]
ii. On May 11, 2019, Mr. Zhukovskyy refused to take a breathalyzer test in the State of Connecticut.[54] [55]
iii. On May 29, 2019, the RMV received an electronic notification from the State of Connecticut noting Mr. Zhukovskyy's refusal to take a breathalyzer test and advising that his CDL privileges would be revoked in that state, on a future effective date.[56] [57]
iv. The electronic notification from the State of Connecticut was received by ATLAS on May 29, 2019, but was diverted into a manual intervention queue,[58] which had been assigned to the SPEX unit.[59]
v. Also on May 29, 2019, Mr. Noronha, an employee in the SPEX unit,[60] accessed Mr. Zhukovskyy's driving record for approximately seven seconds. At the time of access, the driving record displayed the message *"AAMVA Add Conviction."* See **Exhibit B** to this report for screenshots from ATLAS. Based on these screenshots and observation of the user session playback in ATLAS, Mr. Noronha did not make any changes to the driving record.
vi. On June 21, 2019, the Accident occurred.[61] As of that date, the Connecticut electronic notification had not been posted to Mr. Zhukovskyy's driving record.[62]

b. Connecticut paper out-of-state notification – background and relevant timeline

In the normal course of business, "the RMV receives numerous out-of-state notifications each day by mail, some of which address issues that should trigger suspensions and others which involve less safety-critical matters such as speeding tickets."[63] The following is a timeline of events related to the paper out-of-state notifications received by the RMV:

[53] RMV Interim Progress Report #4, dated July 19, 2019.
[54] Connecticut Department of Motor Vehicles Official Notice of Citation dated May 28, 2019.
[55] The electronic and paper notifications indicate that the ACD code was A12. The ACD AAMVA Code Dictionary Manual Release 5.2 dated 2018 indicates that code A12 is "refused to submit to test for alcohol."
[56] RMV Preliminary Memorandum dated July 1, 2019.
[57] See **Exhibit B** to this report for screenshots from ATLAS.
[58] RMV Preliminary Memorandum dated July 1, 2019.
[59] ATLAS Task Queue Listing. Per discussion with FAST representatives Margaret Gleason and Ben Goodman, the Zhukovskyy notification was part of queue 50 "AAMVA Work Items," which has had Ms. Crispin designated as the administrator since ATLAS Release 1 date. FAST representatives stated that beginning June 25, 2019, similar work items to the Zhukovskyy notification were diverted into newly created queue 397 "AAMVA Add Conviction & Withdrawal Items."
[60] RMV Organizational Charts as of July 1, 2019.
[61] State of New Hampshire Request for Administrative Action dated June 24, 2019, submitted by New Hampshire State Police to the New Hampshire Director of Motor Vehicles.
[62] RMV Preliminary Memorandum dated July 1, 2019.
[63] Ibid.

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i. On May 24, 2015, Keith Costantino ("Mr. Costantino") commenced employment at the RMV[64] as the director of the DCU.

ii. On July 3, 2016, Mr. Bowes commenced employment at the RMV[65] as the director of the MRB.

iii. Based on review of documents and interviews with Mr. Costantino, we understand that in the summer of 2016, Mr. Costantino prepared a so-called "Project on a Page" presentation about an existing backlog of unprocessed out-of-state paper notifications, which was discussed, together with other initiatives, in an off-site meeting of RMV staff. The Project on a Page included a recommendation to transfer out-of-state paper notification data entry from the DCU to the MRB.[66] Mr. Costantino also prepared a memorandum about this matter, dated September 20, 2016, which outlined a "3 Sprint" approach methodology "to responsibly mitigate back-log while achieving success on the transition."[67] [68] These documents, included as **Exhibit C and Exhibit D** to this report, described the lack of out-of-state processing of paper notifications as a public safety issue.[69] [70]

iv. On October 5, 2016, Mr. Costantino emailed Ms. Deveney a memorandum dated October 7, 2016, addressed to the "Office of the Governor – Legal Department / MassDOT Legal Department."[71] The memorandum identified the senders as Ms. Deveney, Mr. Bowes and Mr. Costantino. The memorandum described the issue of not processing out-of-state notifications as a public safety issue, outlined its various implications, suggested a way forward, and requested "approval" and "support" in proceeding with the "out-of-state citation data entry remediation plan," which included transferring processing responsibility to the MRB, as reflected in **Exhibit E** to this report.[72] While our review of email communication is ongoing, as of the date of this report, we have not seen evidence that this memorandum was emailed outside the RMV. Ms. Deveney, in an interview with Grant Thornton, stated that she did not email that memorandum to anyone outside the RMV.

v. Mr. Costantino confirmed in an interview with Grant Thornton that he requested the MRB assume responsibility for processing the paper out-of-state notifications citing the rationale reflected in the various memoranda he contemporaneously authored on the subject, namely, that the MRB already had relevant experience in citation data entry.

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[64] The MassDOT Human Resources Department.
[65] Ibid.
[66] Project on a Page "DCU – Out of State Citation Data Entry Migration to MRB" with Presentation Date July 5, 2016.
[67] Out of State Citation Data Entry Migration from DCU to MRB dated September 20, 2016.
[68] This memorandum dated September 20, 2016 includes the same content as the Project on a Page (POP) dated July 5, 2016 with the exception of the number of outstanding license suspension actions the backlog represents and the "Approach Methodology" section. The POP lists 10,000 outstanding suspension actions, and the memorandum lists 100,000 outstanding suspension actions. In an interview with Mr. Costantino on August 7, 2019, he stated he believes that 10,000 is the correct number.
[69] Project on a Page "DCU – Out of State Citation Data Entry Migration to MRB" with Presentation Date July 5, 2016.
[70] Out of State Citation Data Entry Migration from DCU to MRB dated September 20, 2016.
[71] Email from Mr. Costantino to Ms. Deveney on October 5, 2016 with subject "Draft Memo" and attachment "MRB_CitationMigration_Memo_10_6_16.docx."
[72] Ibid.

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vi. Ms. Deveney confirmed in an interview with Grant Thornton that she approved of transferring responsibility for processing out-of-state notifications from the DCU to the MRB.

vii. Mr. Bowes confirmed in an interview with Grant Thornton that he accepted responsibility for the MRB to assume processing paper out-of-state notifications received by the RMV, on top of the MRB's existing responsibility of processing in-state citations. Mr. Bowes further stated that the MRB started processing out-of-state notifications, prospectively, in December 2016.

viii. While the MRB had assumed responsibility for processing out-of-state notifications prospectively, an unresolved issue remained on how to handle the processing of the backlog accumulated over the years, which according to memoranda Mr. Costantino contemporaneously authored amounted to as high as over 100,000 notifications.[73] [74]

ix. On March 17, 2017, Mr. Costantino emailed Mr. Bowes, Ms. Deveney, and Sara Lavoie, advising them that he was transferring boxes of paper out-of-state notifications to "the warehouse," where they could be accessed in the future "if there is a request to retrieve information."[75] Mr. Costantino also had two photos of stacked boxes dated March 10, 2017.[76] See **Exhibit F** and **Exhibit G** to this report.

x. On March 26, 2018, ATLAS Release 1 was deployed.[77]

xi. According to Mr. Bowes, prior to ATLAS Release 1, the MRB was falling behind on processing the daily inflow of paper in-state notifications. Mr. Bowes further stated that starting with the deployment of ATLAS Release 1, the MRB ceased processing paper out-of-state notifications, citing difficulties in adopting to the new process.

xii. Ms. Deveney stated in her interview with Grant Thornton that subsequent to ATLAS Release 1, Mr. Bowes made her aware of the difficulty that MRB personnel were having in adapting to the new technology, further advising her that the MRB was falling behind in processing data. Ms. Deveney also noted that subsequent to ATLAS Release 1, she communicated processing difficulties that the MRB was having to Mindy D'Arbelloff, Deputy Chief of Customer Service and Constituent Affairs in the Governor's Office, Secretary Pollack, Mr. Tesler, and Jacquelyn Goddard, MassDOT Communications Director. In response to questions from Grant Thornton, Mr. Tesler stated that he remembers a conversation with Ms. Deveney about the learning curve that the MRB and other areas of the RMV were experiencing in adapting to the new technology.

xiii. In the spring of 2019, the MassDOT Audit Operations team identified unprocessed out-of-state notifications that had been scanned into ATLAS by the MRB but which had been diverted into a queue that required manual intervention. The MassDOT Audit Operations

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[73] Out of State Citation Data Entry Migration from DCU to MRB dated September 20, 2016.

[74] This memorandum dated September 20, 2016 includes the same content as the Project on a Page (POP) dated July 5, 2016 with the exception of the number of outstanding license suspension actions the backlog represents and the "Approach Methodology" section. The POP lists 10,000 outstanding suspension actions, and the memorandum lists 100,000 outstanding suspension actions. In an interview with Mr. Costantino on August 7, 2019, he stated he believes that 10,000 is the correct number.

[75] Email from Mr. Costantino to Mr. Bowes cc Ms. Deveney and Sara Lavoie on March 17, 2017 with subject "Out of State Citations." (See also **Exhibit F** to this report.)

[76] Image1.JPG dated March 10, 2017 3:59PM and Image1.JPG dated March 10, 2017 4:00PM. (See also **Exhibit G** to this report.)

[77] RMV Interim Progress Report #4, dated July 19, 2019.

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team brought the issue to the attention of Mr. Bowes and drafted an audit memorandum dated April 3, 2019 titled "RMV Merit Rating Board (MRB) – Special Projects Audit Preliminary Audit Findings – Final," reflecting the finding along with a recommendation that processing of such notifications be assigned to the DCU.[78] See **Exhibit H** to this report. Grant Thornton is not aware of this preliminary memorandum having been finalized.

xiv. On June 3, 2019, the State of Connecticut mailed a paper out-of-state notification to the RMV, advising of Mr. Zhukovskyy's refusal to take a breathalyzer on May 11, 2019, and of his future conviction date of June 10, 2019.[79] [80] The paper notification was received by the RMV on June 4, 2019.[81] [82] See **Exhibit I** to this report for the notification.

xv. On June 21, 2019, the Accident occurred.[83] As of that date, the Connecticut paper notification had not been posted to Mr. Zhukovskyy's driving record. [84]

c. Root Cause Analysis

As indicated above, the RMV failed to process in a timely manner both the electronic and paper Connecticut notifications. The RMV has concluded that had Connecticut's electronic notification been processed and posted timely on Mr. Zhukovskyy's driving record, his Commonwealth of Massachusetts-issued CDL would have been suspended automatically, prior to the Accident.[85]

i. <u>Fail point – Electronic out-of-state notification</u>

Prior to the Accident, two different opportunities existed for the Connecticut electronic notification to be posted to Mr. Zhukovskyy's driving record. Both of those opportunities were missed.

First missed opportunity – ATLAS received the Connecticut electronic notification and diverted it into a manual intervention queue, requiring a review by an RMV employee prior to resolution.[86] FAST representatives stated that ATLAS had been configured to divert any incoming notifications with an effective suspension date subsequent to the date of receipt by ATLAS, to a manual intervention queue. According to FAST representatives, ATLAS business rules were established by the RMV in this way because incoming electronic notifications in the ordinary course of business tend to have effective suspension dates prior to ATLAS notification receipt dates and the reverse may be indicative of

[78] RMV Merit Rating Board (MRB) – Special Projects Audit Preliminary Audit Findings – Final dated April 3, 2019.
[79] Connecticut Department of Motor Vehicles Official Notice of Citation dated May 28, 2019.
[80] The electronic and paper notifications indicate that the ACD code was A12. The ACD AAMVA Code Dictionary Manual Release 5.2 dated 2018 indicates that code A12 is "refused to submit to test for alcohol."
[81] Federal Express Tracking number 4310 3445 4650.
[82] Although the Federal Express Tracking number indicates the envelope containing the paper Zhukovskyy notification was delivered on June 4, 2019, the RMV Preliminary Memorandum dated July 1, 2019 states the RMV received written notification on May 30, 2019.
[83] State of New Hampshire Request for Administrative Action dated June 24, 2019, submitted by New Hampshire State Police to the New Hampshire Director of Motor Vehicles.
[84] RMV Preliminary Memorandum dated July 1, 2019.
[85] Ibid.
[86] Ibid.

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notification data integrity issues that require manual review prior to posting on a driver's record. Grant Thornton met with FAST representatives and performed a walkthrough of the business rules logic in affect prior to the Accident, and how the business rules logic was adjusted subsequent to the Accident. Grant Thornton has not yet completed analysis over this system functionality.

The manual intervention queue into which the Connecticut electronic notification was diverted had been assigned to the SPEX unit since the date of ATLAS Release 1.[87] As such, SPEX was the unit responsible for working on and completing/closing items in that queue. Further, in an email exchange on January 28, 2019 with an MRB employee about "work items that need to be corrected," Ms. Crispin who led, and still leads, the SPEX unit stated, "Any OOS conviction info really needs to be handled by the SPEX team as there are just too many AAMVA rules involved in what needs to be present and in what format."[88]

Grant Thornton examined a listing of "*AAMVA Add Conviction*" work items completed since ATLAS Release 1. Grant Thornton notes that since the date of ATLAS Release 1, none of the work items were completed until January 2019, approximately ten months after ATLAS Release 1.[89] In January 2019, 7 of the then-outstanding 172 items were worked on and completed/closed by Ms. Crispin.[90] On May 21, 2019, one work item in this queue was completed by another RMV employee.[91] As of the date of the Accident, on June 21, 2019, additional work items had been diverted into the queue, totaling 364 open work items.[92]

In interviews with Grant Thornton, Ms. Crispin stated that based on a March 8, 2019 through March 19, 2019 email exchange with a FAST employee,[93] Ms. Crispin had the impression that SPEX would not need to complete all of those items as they would be resolved by ATLAS after certain system modifications. In general, there are two types of events that can lead to a CDL holder's loss of privileges: a *conviction* following adjudication of an alleged offence in a court of law,[94] and a *withdrawal*, which entails the withdrawal of privileges through an administrative action,[95] such as when a driver is stopped by authorities but refuses to take a breathalyzer test. Based on the email exchange, Ms. Crispin appeared to be of the view that certain *"AAMVA Add Conviction"* notifications were erroneously being

[87] ATLAS Task Queue Listing. Per discussion with FAST representatives Margaret Gleason and Ben Goodman, the Zhukovskyy notification was part of queue 50 "AAMVA Work Items", which has had Ms. Crispin designated as the administrator since the date of ATLAS Release 1. FAST representatives stated that beginning June 25, 2019, similar work items to the Zhukovskyy notification were diverted into queue 397 "AAMVA Add Conviction & Withdrawal Items."
[88] Email chain between Ms. Crispin and a MRB employee on January 28, 2019 with subject "OOS Convictions."
[89] Add AAMVA Conviction Work Item List.
[90] AAMVA Add Conviction Work Items screenshots.
[91] Ibid.
[92] Add AAMVA Conviction Work Item List.
[93] Email chain between Ms. Crispin and a FAST employee from March 8, 2019 through March 19, 2019 with subject "AAMVA Interventions & Work Items."
[94] AAMVA CDLIS State Procedures Manual Release 5.3.3 dated December 2015 pg. 136.
[95] Ibid. pg. 155.

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labelled as such by ATLAS since the notifications were actually withdrawals with no underlying conviction date.

> "For the AAMVA add conviction ones, those should all be closed. These are all fictitious convictions that Atlas is creating when another State sends a withdrawal with no underlying conviction. **In some cases, an underlying conviction is not required**. If one is required, we should be rejecting the withdrawal entirely."[96] (Emphasis added.)

As shown in **Exhibit O** to this report**,** the FAST employee advised Ms. Crispin that FAST had opened service ticket requests in relation to Ms. Crispin's concerns. FAST representatives stated to Grant Thornton that as of the date of the Accident, the ATLAS service ticket request specifically related to the issue that Ms. Crispin had discussed was still open. While resolution of the service ticket request was pending, SPEX was still the unit assigned to work electronic notification items that were being diverted into the manual intervention queue, for the purpose of determining whether they should be added to a CDL holder's driving record.[97] Based on the above email excerpt, Ms. Crispin appears to have been aware that, at least in some cases, withdrawals labelled as *"AAMVA Add Conviction"* were not erroneous, as an underlying conviction was not always required.[98]

The 364 work items in the manual intervention queue requiring review prior to the Accident,[99] included the Connecticut notification for Mr. Zhukovskyy.[100] Subsequent to the Accident, all of those items were evaluated by SPEX[101] with some, including Mr. Zhukovskyy's, determined to be valid and posted on drivers' records.[102] Ms. Crispin acknowledged during an interview that she had the ability and knowledge to post convictions and withdrawals to drivers' records prior to the Accident.

Second missed opportunity – On May 29, 2019, Mr. Noronha, a member of the SPEX unit who reports to Ms. Crispin, accessed Mr. Zhukovskyy's driving record. **Exhibit B** to this report shows the screenshots, recorded by ATLAS, of the screen that Mr. Noronha was on prior to accessing Mr. Zhukovskyy's driving record as well the screen that Mr. Noronha saw upon accessing Mr. Zhukovskyy's driving record. Those screenshots show that Mr. Noronha performed a work item search in ATLAS for AAMVA-related work items that had been created during the period of May 22,

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[96] Email chain between Ms. Crispin and a FAST employee from March 8, 2019 through March 19, 2019 with subject "AAMVA Interventions & Work Items."
[97] ATLAS Task Queue Listing. Per discussion with FAST representatives Margaret Gleason and Ben Goodman, the Zhukovskyy notification was part of queue 50 "AAMVA Work Items", which has had Ms. Crispin designated as the administrator since the date of ATLAS Release 1. FAST representatives stated that beginning June 25, 2019, similar work items to the Zhukovskyy notification were diverted into queue 397 "AAMVA Add Conviction & Withdrawal Items."
[98] Email chain between Ms. Crispin and a FAST employee from March 8, 2019 through March 19, 2019 with subject "AAMVA Interventions & Work Items."
[99] Add AAMVA Conviction Work Item List.
[100] See **Exhibit B** to this report for screenshots from ATLAS. This shows the Zhukovskyy's notification was work item 1-943-495-936.
[101] Email chain between Ms. Crispin and a FAST employee from March 8, 2019 through March 19, 2019 with subject "AAMVA Interventions & Work Items."
[102] RMV Preliminary Memorandum dated July 1, 2019.

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2019 through May 29, 2019. This query produced a list of items including Mr. Zhukovskyy's unprocessed notification from Connecticut with the phrase *"AAMVA Add Conviction"* next to Mr. Zhukovskyy's name. Mr. Noronha clicked on that item, resulting in a display of Mr. Zhukovskyy's driving record in ATLAS. Under the caption of "Open Tasks" on that driving record window, the phrase *"AAMVA Add Conviction"* was displayed again. Mr. Noronha was in Mr. Zhukovskyy's driving record for approximately seven seconds, after which Mr. Noronha exited without making any changes to the record.[103]

During an interview, Mr. Noronha stated that his assigned duties before the Accident entailed reviewing and resolving AAMVA notifications other than those requiring the posting of convictions or withdrawals to drivers' records. While Mr. Noronha stated that he does not remember why he would have clicked on a work item in the ATLAS query with an *"AAMVA Add Conviction,"* Mr. Noronha stated that at the time, he had not received training on posting convictions and withdrawals and would not have known how to do so. Based on discussion with FAST representatives, Mr. Noronha had ATLAS security access to add convictions and other verdicts to drivers' records but had never done so, prior to the Accident. Grant Thornton has not seen any information to indicate that Mr. Noronha brought this work item to the attention of his supervisor, Ms. Crispin, or to anyone else who could have evaluated whether the out-of-state violation should have been posted to Mr. Zhukovskyy's record. During an interview, Mr. Noronha stated that subsequent to the Accident, he received training on posting withdrawals and convictions and assisted in completing the items that had been diverted into the manual intervention queue.

ii. Fail point – Paper out-of-state notification

Joanne Stanley ("Ms. Stanley"), currently the RMV Board of Appeals Designee, was the Director of the DCU from April 20, 2008 to January 26, 2014.[104] Ms. Stanley stated in an interview with Grant Thornton that during those years, the DCU was processing paper out-of-state notifications received from other states under her direction. Ms. Stanley further stated that when she took over as Director of the DCU, there were approximately twenty boxes of unprocessed notifications, which she and other employees of the DCU, including hearing officers, gradually processed by focusing on the most egregious violations including vehicular homicide, operating under the influence, drugs, and driving to endanger. Grant Thornton corroborated Ms. Stanley's statement as it relates to the processing of out-of-state notifications in a separate interview with Scott Freeman who at the time was, and has continued to be, employed in the DCU. It appears that the last time the RMV processed paper out-of-state notifications on a consistent basis (albeit only for the most egregious violations) before the discovery of the backlog by Mr. Costantino, was during Ms. Stanley's tenure as Director of the DCU.

According to Mr. Costantino, when he started working at the DCU, he did not have an understanding that processing out-of-state notifications was part of the DCU's mandate. He further stated that toward the end of 2015 and beginning of 2016, he became aware of a backlog of paper out-of-state notifications, after which, he recommended that the MRB assume responsibility for processing them

[103] See **Exhibit B** to this report for screenshots from ATLAS.
[104] The MassDOT Human Resources Department.

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because he believed that the MRB was a suitable candidate due to its experience in citation data entry. As reflected in the above-referenced timeline, Ms. Deveney approved of Mr. Costantino's recommendation. It can be convincingly argued that while the MRB was a suitable candidate for data entry for these paper out-of-state notifications, it was not so for adjudicating the inevitable processing exceptions, which would require adjudication expertise that ultimately resided within the DCU. Regardless of whether one agrees with Mr. Costantino's recommendation, however, he elevated the issue to the then Registrar – Ms. Deveney – obtained approval for his recommendation, and was forthright about the existence of the backlog and the transferring of boxes containing such backlog into a warehouse from where it could be picked up for processing.[105]

Ms. Deveney stated that during that period, the RMV, with assistance from consulting firm Acelar Inc., was examining key processes to find ways to improve operating efficiencies; she recalls meetings taking place during which representatives from the Governor's office and the MassDOT would usually participate. According to Ms. Deveney, the transitioning of processing out-of-state notifications from the DCU to the MRB was discussed in one of those meetings but she does not recall whether in that particular instance any representatives from the Governor's office or the MassDOT attended. Ms. Deveney stated that Secretary Pollack had given her the authority to use her own discretion in deciding whether to proceed with certain projects and that the transitioning of out-of-state notification processing from the DCU to the MRB was one of those projects for which she did not feel she needed to separately discuss with anyone outside the RMV before giving approval for the transition to take place. Secretary Pollack stated during an interview that she had no contemporaneous knowledge of the existence of the backlog or the transferring of responsibility for processing paper out-of-state notifications from the DCU to the MRB, and that she first became aware of these issues subsequent to the Accident.

While, according to Mr. Bowes, the MRB started processing notifications, prospectively, toward the end of 2016, a decision on how to handle the backlog was still pending at that time. There was email communication between Mr. Costantino and Mr. Bowes stating that: a) based on discussion between Mr. Bowes and Ms. Deveney, RMV was waiting on direction from "Legal,"[106] and b) Mr. Costantino was hoping to "get confirmation from the Registrar and Governor's office soon to proceed."[107] See **Exhibit J** and **Exhibit K** to this report for these two emails. Mr. Bowes stated that ultimately no direction was received from Ms. Deveney or anyone else on how to proceed with the backlog. According to Mr. Costantino, after transferring responsibility to the MRB and after shipping the backlog boxes to a warehouse, he did not stay actively involved in the matter other than answering occasional emails from the MRB.

According to Mr. Bowes, after starting to process out-of-state notifications, the MRB experienced difficulty in keeping up with the volume, even before the deployment of ATLAS Release 1. Subsequent to the deployment, Mr. Bowes stated that the MRB ceased processing altogether due to such factors

[105] Email from Mr. Costantino to Mr. Bowes cc Ms. Deveney and Sara Lavoie on March 17, 2017 with subject "Out of State Citations."
[106] Email from Mr. Bowes to Mr. Costantino on March 6, 2017 with subject "Out of State."
[107] Email from Mr. Costantino to Mr. Bowes on February 23, 2017 with subject "Re: OOS."

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as difficulty adapting to the new technology, transaction volume, and resource availability. Ms. Deveney acknowledges that she discussed with Mr. Bowes difficulties that the MRB was encountering and that she raised the issue with various individuals at the MassDOT and the Governor's office as further described in the timeline included earlier in this report.

Approximately five months following the deployment of ATLAS Release 1, Mr. Bowes in an email exchange with other MRB personnel addressing a public records request for certain out-of-state data, stated:

> "OOS has not been processed since Release 1 **as our work is priority.**"[108] (Emphasis added) See **Exhibit L** to this report.

According to Ms. Deveney, she approved for the MRB to prioritize processing of in-state citations. In describing her rationale, she noted that even if out-of-state notifications were delayed in being processed, they were already reflected in the NDR (at least the more egregious violations) and would be applied to the driving record of a Commonwealth of Massachusetts driver when such record was checked against the NDR, during license renewal, or during any adjudication hearing in the interim. Until in-state citations were processed, however, there would be no record of the related violations in any system, Ms. Deveney stated.

Ms. Deveney separately stated that since 2018, she had to devote more attention to the Service Centers as operating objectives there were not being achieved, which in retrospect allowed her less time to address other areas within the RMV to the degree that she may have wished.

While the processing of paper out-of-state notifications had largely ceased in the MRB since the deployment of ATLAS Release 1, the Connecticut paper notification related to Mr. Zhukovskyy was received and remained unprocessed as of the date of the Accident.

iii. <u>Fail points contributing factor – Inadequate operational control</u>

Based on interviews and discussions we conducted, it is apparent that the switch from ALARS to ATLAS resulted in an adjustment phase for the impacted RMV employees. It is normal for organizations undertaking large-scale enterprise system implementations to experience such transformational periods. ATLAS, however, also provides greater visibility into operating performance. Management, for example, can easily assign and monitor progress on open work item queues for various departments and identify bottlenecks and other operational impediments.

Grant Thornton has obtained an ATLAS Operation Summary Report as of May 29, 2019, a few weeks prior to the Accident and as of the date that the Connecticut electronic notification had been diverted into the manual intervention queue; that report showed the number of items in the queue pending

[108] Email from Mr. Bowes to Donna Cabey cc Ms. Ruffin on August 30, 2018 with subject "PRR."

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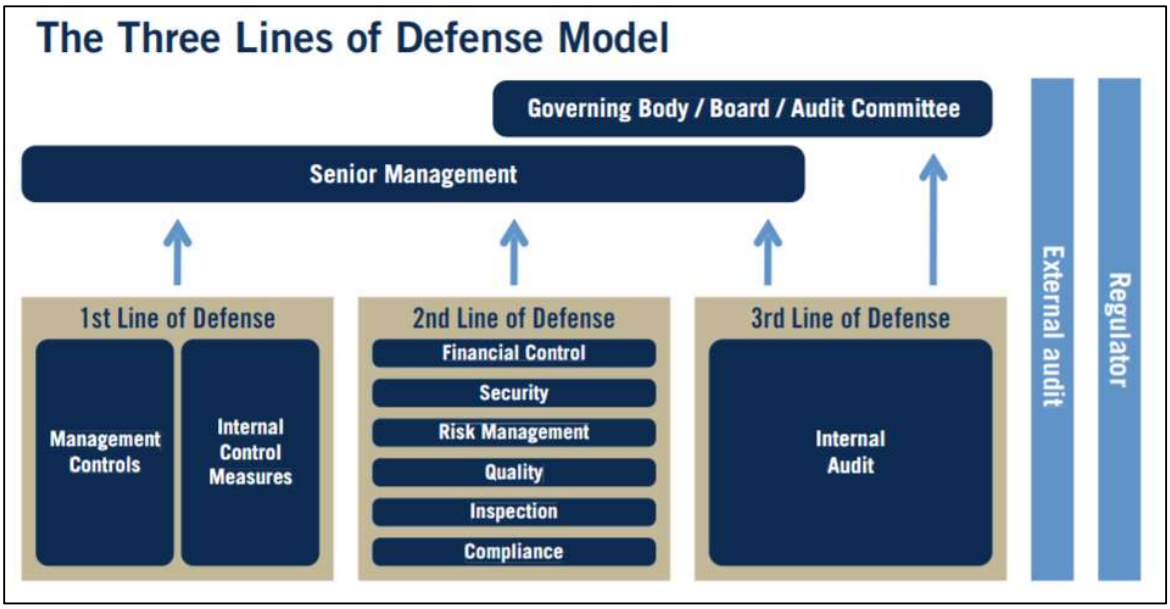
review, further identifying approximately 50% of them as overdue by more than ninety days.[109] Separately, we have obtained an ATLAS Operation Summary Report Schedule, which identifies who at the RMV and MassDOT has subscribed to the ATLAS Operation Summary Report.[110] Both Ms. Crispin and various RMV supervisors, but not Ms. Deveney, had subscribed to this report and, therefore, had visibility into the queues as early as July 2018.[111] Based on discussion with Alan Macdonald, RMV Chief Operating Officer ("Mr. Macdonald"), he was not actively using this system reporting functionality to monitor workflows in the various departments prior to the Accident, although the use of that functionality has been adopted since the Accident. Based on discussion with Ms. Deveney, she was not aware of the existence of this manual intervention queue or the build-up in it of work items pending review.

iv. Fail points contributing factor – Inadequate risk management

According to the Institute of Internal Auditors, the management of risk at an organization generally has three lines of defenses, as illustrated in the following model:



Source: Institute of Internal Auditors Position Paper: The Three Lines of Defense in Effective Risk Management and Control, January 2013

First Line of Defense: The first line of defense consists of the operational managers who own and manage risks. Operational managers are responsible for the effective operation of internal controls and for executing risk and control procedures on a day-to-day basis. Operational managers identify, assess, control, and mitigate risks, guiding the implementation of internal policies and procedures and ensuring

[109] ATLAS Operation Summary dated May 29, 2019.
[110] ATLAS Operation Summary Report Schedule dated August 1, 2019.
[111] Ibid.

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that activities are consistent with goals and objectives. They are the ones who will also implement corrective action to address control deficiencies.

With respect to the processing of out-of-state notifications at the RMV, the first line of defense was deficient. For the reasons discussed earlier in this report, two different processes meant to ensure the timely processing of electronic and paper out-of-state notifications, with each process assigned to different RMV departments, failed simultaneously. As a result, each of these notifications was being held up in separate RMV processes as of the date of the Accident.

Second Line of Defense: The second line of defense includes risk management and compliance functions to help build and/or monitor the first line of defense. A financial controller, for example, monitors financial risk and financial reporting issues; a risk management committee facilitates and monitors the implementation of effective risk management practices by operational management, assists risk owners define risk exposures, and reports adequate risk-related information throughout the organization; and, a legal function monitors compliance with laws and regulations. It is the second line of defense that establishes appropriate standard operating procedures and controls to be followed in the normal course of business.

With respect to the processing of out-of-state notifications at the RMV, the second line of defense appears to have been deficient. It is the objective of the second line of defense to ensure that risks are identified and mitigated. While certain shared services functions, such as the MassDOT Legal department can provide ad-hoc advice to the RMV on issues as they arise, the RMV does not appear to benefit from a defined and functioning second line of defense.

For example, we have not seen evidence of the RMV conducting an entity-specific risk assessment to identify and rank risks in terms of severity, or implementing mechanisms to monitor, on an ongoing basis, the effectiveness of the first line of defense in managing those risks. Clearly, the processing of out-of-state notifications poses a risk if not performed timely and appropriately. Furthermore, risk contingency planning for such events as a major system implementation, like ATLAS, would be primarily a function of the second line of defense. We have not seen evidence of such risk contingency planning.

Third Line of Defense: The third line of defense is internal audit. Internal auditors provide the governing body and senior management with comprehensive assurance based on the highest level of independence and objectivity within the organization. This high level of independence is not available in the second line of defense. Internal audit provides assurance on the effectiveness of governance, risk management, and internal controls, including the manner in which the first and second lines of defense achieve risk management and control objectives.

With respect to the third line of defense, the MassDOT Audit Operations team identified a backlog in the processing of paper out-of-state notifications within the MRB approximately three months before

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the Accident. This finding was communicated to Mr. Bowes prior to the Accident.[112] Ms. Deveney was also advised of the backlog at the MRB by MassDOT Audit Operations,[113] and she stated in an interview that the MassDOT Audit Operations had undertaken the audit at her request, although not specifically for the purpose of evaluating out-of-state notification processing. While the MassDOT Audit Operations identified this issue, it is notable that the processing of paper out-of-state notifications had not been originally identified as a specific risk. The discovery of the related paper out-of-state notifications backlog is largely attributed to the assigned internal auditor's inquisitiveness and persistence. Complicating the job of the MassDOT Audit Operations is the fact that there appears to be no complete process walkthrough documentation for many significant end-to-end processes within the RMV (at least not in the non-field-service departments to which we have been exposed). Such process walkthroughs should include both system and non-system components, key individuals, relevant internal controls, and a description of a transaction's path from initiation to completion. Absent such documented walkthroughs, the MassDOT Audit Operations must rely on institutional knowledge and professional judgment in identifying and selecting areas for testing.

d. <u>Remediation efforts regarding backlog of paper notifications</u>

Subsequent to the Accident, the RMV took steps to identify unprocessed paper out-of-state notifications in order to triage them and post the most egregious violations on drivers' records. That process resulted in 2,039 suspension actions for 1,607 individuals.[114] Grant Thornton discussed the remediation process with the relevant RMV personnel and has begun testing a haphazardly selected sample of paper out-of-state notifications to determine whether the remediation occurred as communicated.

During this testing, which is still in progress as of the date of this report, we identified:

(1) Five boxes of notifications labeled with dates of 2017 and 2018 that appear to not have been included in the remediation process. Grant Thornton further notes that these boxes include "A" ACD codes, which are alcohol-related offenses in other jurisdictions.
(2) Four egregious notifications within a box separate from the five boxes described in (1) above, that were erroneously triaged as non-egregious, and therefore not subjected to the remaining remediation process, which may have resulted in license revocation or suspension.
(3) Other egregious notifications that were processed in a manner inconsistent with the remediation plan described by the RMV.

We have communicated these findings to the Acting Registrar who provided us with an overview of the steps he is taking to address these findings.

Further, we note that during the remediation process, the RMV identified Commonwealth of Massachusetts license holders who had egregious violations in other states, but whose driving privileges

[112] RMV Merit Rating Board (MRB) – Special Projects Audit Preliminary Audit Findings – Final dated April 3, 2019.
[113] Email from Brie-Anne Dwyer to Ms. Deveney cc: James Logan on April 22, 2019 with subject "MRB- update."
[114] RMV Memorandum #3 dated July 12, 2019.

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in those states were not suspended as of the time of the triage. The RMV's remediation approach entailed suspending license privileges only if (i) an egregious violation occurred in another state, and (ii) the other state had suspended the license as of the time of the triage. As a result, these licenses have not yet been suspended and are pending review by the MassDOT General Counsel and her team.

Finally, the RMV is performing, with assistance from FAST, a reconciliation of all licenses issued in the Commonwealth of Massachusetts against the NDR.[115] Grant Thornton is in the process of gaining an understanding of this reconciliation process.

e. Current out-of-state notification processing

Electronic outbound notifications – CDL: Based on interviews and discussions to-date, Grant Thornton understands that the RMV sends notifications about CDL drivers to CDLIS and receives error reports when a message is unable to be transmitted or received properly. FAST representatives stated that as of August 14, 2019, there were 2,291 outstanding error messages related to communications by the Commonwealth of Massachusetts to other jurisdictions about verdicts and withdrawals for CDL drivers, and these were not included in any queues in ATLAS. Based on discussion with Ms. Crispin, however, Ms. Crispin receives a daily report containing these outbound CDLIS error messages. It is our understanding that the RMV is evaluating this process. Grant Thornton is also continuing evaluation of this finding.

Electronic inbound notifications – CDL: Grant Thornton is working with FAST and the MassDOT's information technology department to better understand the current state of this process.

Paper inbound notification – Class D and CDL: Based on interviews conducted to-date, Grant Thornton understands that the RMV has formed a temporary processing unit made up of personnel from various departments. On a daily basis, this unit, which reports directly to the Acting Registrar, opens incoming paper out-of-state notifications, separates the notifications into egregious and non-egregious groups, based on the reported ACD codes, scans them into ATLAS, and processes the egregious notifications within one business day. Grant Thornton has not observed or tested this process.

Paper outbound notifications – Class D: It is our understanding that with regard to Class D license holders from other states who receive citations in the Commonwealth of Massachusetts, historically, the RMV has not mailed notifications to those other states. While Grant Thornton is still working on evaluating prior analysis and decisions with respect to this issue, we understand, based on discussions with Mr. Macdonald, that the RMV started mailing notifications to other states during the week of August 5, 2019, under a process through which once infraction data is entered into the system, a letter is produced for printing and mailing by the Commonwealth of Massachusetts central printing facility in Chelsea, Massachusetts. Grant Thornton has not observed this process.

[115] RMV Memorandum #3 dated July 12, 2019.

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f. Areas still to consider with respect to root cause analysis

Grant Thornton is still evaluating governance and oversight, and other aspects of risk management as it relates to the root cause analysis of our scope of work. In addition, we are still waiting to receive a subset of requested documents from the MassDOT General Counsel (inclusive of email communication, as described earlier in the engagement approach section of this report), which will need to be reviewed.

B. Recommended Improvements – Internal Controls:

Recommend improvements with respect to risk management, internal controls, protocols, and policies impacting the effectiveness and efficiency of RMV responses to reports of state–to-state motor vehicle violations that may warrant or require the suspension or revocation of passenger and/or commercial driver licenses.

Consistent with our findings in the root cause analysis portion of our scope of work, Grant Thornton's preliminary recommendation is for the RMV to enhance its second line of defense with respect to risk management. The risks that the RMV faces in the ordinary course of business are diverse, consequential, and not only limited to safety. Those risks include, but are not limited to:

- Untimely processing of in-state and out-of-state data that impacts the driving privileges of CDL and Class D license holders,
- Issuing licenses and identification cards with fraudulent or insufficient documentation,
- Cash embezzlement,
- Lax oversight of school buses,
- Lax oversight of driver education schools, and
- Non-compliance with various federal and state regulations.

The internal audit function is an important independent function in the overall risk management of an organization, but relying on internal audit as the sole defense against the materialization of such risks is not a sound risk management practice. A second line of defense that is closer to the process owners is prudent and warranted. We recommend that the RMV consider employing a Chief Compliance and Risk Officer with the mandate to identify and mitigate risk through an enterprise risk assessment; risk ranking and prioritization; and adoption of effective mitigating strategies, controls and protocols. Depending on the needs of the wider MassDOT organization, the role of such officer may be adopted at the MassDOT level.

Furthermore, with respect to the third line of defense, we recommend that the MassDOT Audit Operations team, on a frequent basis, evaluate the design and operating effectiveness of controls around the out-of-state notification process, both inbound and outbound, for CDL and Class D.

Grant Thornton will likely have additional recommendations in our final report.

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C. Recommended Improvements – RMV Organizational Structure:

Review the RMV's organizational structure and make recommendations as necessary to establish clear lines of responsibility and accountability for responding to state-to-state communications about motor vehicle violations and administering license suspensions and revocations for passenger and commercial vehicle licenses.

Grant Thornton is still evaluating this area of our scope of work.

VII. ADDITIONAL AREAS OF RISK IDENTIFIED

The following areas of additional risks have come to our attention:

- As of August 8, 2019, the MRB has approximately 16,927 work items in a criminal data entry quality control queue (*MRB – QC – Criminal*), as shown in **Exhibit M,** requiring evaluation prior to determining how and whether to post to drivers' records. Based on discussion with MRB employees with knowledge of current processes and resources, effectively addressing these items could take as long as two years. Delays in processing these work items may prevent the timely revocation of certain CDL and Class D licenses.
- As of August 2, 2019, the *SPEX Unit Driver Licensing – Support – AAMVA Work Group* had approximately 88,000 work items requiring action consisting primarily of three different queues as shown in **Exhibit N** attached to this report. Based on discussion with FAST, a queue was created to distinguish withdrawal/conviction work items from potential duplicate work items allowing the SPEX unit to more easily address *"Add Conviction"* items. Untimely processing of these work items can result in a license-issuing-state lacking knowledge of information from another jurisdiction that could potentially impact a driver's privileges in the Commonwealth of Massachusetts.

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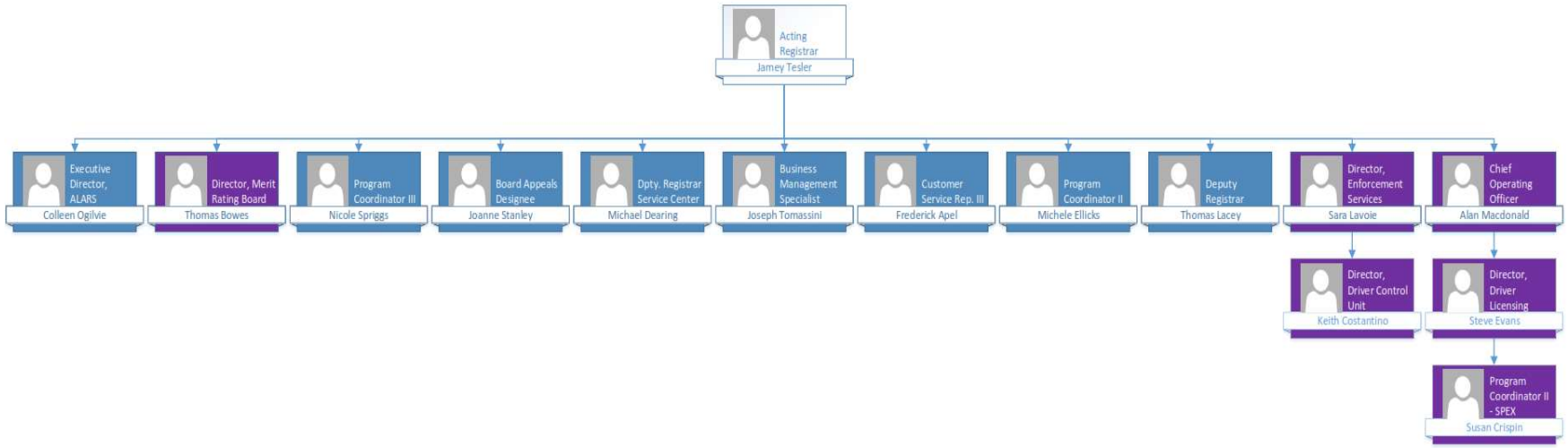
EXHIBITS

Exhibit A:[116]

Summary RMV Organization Chart



[116] Note: Illustrated in this exhibit are direct reports to Jamey Tesler, Acting Registrar. The Driver Control Unit and SPEX unit are shown given their pertinence to this matter.

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Exhibit B:

ATLAS
mnoronha Log Off
Work Item
Work Item
Search
New Manager
Notifications (20)
Get Next Task
View Support ID

Search
Work Item

Work Item Search
Add | Search | My Work Items | My Subscriptions | Unassigned | 500 Ro

Owner is any
Subscriber is any

Category	AAMVA	External Id			
Type		Due By		Expires By	
Stage		Created From	22-May-2019	To	29-May-2019
Account Type		Completed From		To	

Sequence: 576/5223
Date: 29-May-2019 11:05:30
User: mnoronha
Show Advanced Details
Execution Duration: 1017 ms

Work Items
Hide History | Filter

Standard • Owner Oups 60 day

1 of 5 All 1 - 100 of 491

Due Date	Work Item	Category	Type	Stage	Created	Expired	Owner	Association	Who
26-May-2019	0-792-372-480	AAMVA	AAMVA Check Nee		22-May-2019	27-May-2019	tpizzi	[redacted]	tpizzi
02-Jun-2019	1-943-495-936	AAMVA	Add Convictn		29-May-2019			ZHUKOVSKYY, VOLODYMYR V	svcwebserv
01-Jun-2019	0-592-450-816	AAMVA	Add Convictn		28-May-2019			[redacted]	svcwebserv
27-May-2019	0-445-637-888	AAMVA	Add Convictn		23-May-2019			[redacted]	svcwebserv
29-May-2019	1-213-392-128	AAMVA	CDLIS Chg Fl		25-May-2019			[redacted]	svcwebserv
29-May-2019	0-352-806-144	AAMVA	CDLIS Chg Fl		25-May-2019			[redacted]	svcwebserv
01-Jun-2019	1-265-886-464	AAMVA	CSOR Fail		28-May-2019			[redacted]	svcwebserv
29-May-2019	2-001-462-528	AAMVA	CSOR Fail		25-May-2019			[redacted]	svcwebserv
28-May-2019	0-126-878-976	AAMVA	CSOR Fail		24-May-2019			[redacted]	svcwebserv
26-May-2019	1-876-206-848	AAMVA	CSOR Fail		22-May-2019			[redacted]	svcwebserv
29-May-2019	0-558-810-368	AAMVA	CSOR Fail		25-May-2019			[redacted]	svcwebserv
29-May-2019	1-535-829-248	AAMVA	CSOR Fail		25-May-2019			[redacted]	svcwebserv
26-May-2019	1-761-407-232	AAMVA	CSOR Fail		22-May-2019	01-Jun-2019	mnoronha	[redacted]	mnoronha
02-Jun-2019	1-053-612-288	AAMVA	Invalid CSOR		29-May-2019			[redacted]	svcwebserv
02-Jun-2019	0-951-129-344	AAMVA	Invalid CSOR		29-May-2019			[redacted]	svcwebserv
28-May-2019	0-733-340-928	AAMVA	Invalid CSOR		24-May-2019			[redacted]	svcwebserv
29-May-2019	1-441-724-672	AAMVA	Invalid CSOR		25-May-2019			[redacted]	svcwebserv
29-May-2019	0-644-269-312	AAMVA	Invalid CSOR		25-May-2019			[redacted]	svcwebserv
29-May-2019	0-904-853-760	AAMVA	Invalid CSOR		25-May-2019			[redacted]	svcwebserv
29-May-2019	0-642-946-304	AAMVA	Invalid CSOR		25-May-2019			[redacted]	svcwebserv
28-May-2019	0-741-016-832	AAMVA	Invalid CSOR		24-May-2019			[redacted]	svcwebserv
29-May-2019	0-479-249-664	AAMVA	Invalid CSOR		25-May-2019			[redacted]	svcwebserv
28-May-2019	1-496-311-040	AAMVA	Invalid CSOR		24-May-2019			[redacted]	svcwebserv
02-Jun-2019	2-065-753-344	AAMVA	Invalid CSOR		29-May-2019			[redacted]	svcwebserv
02-Jun-2019	0-665-628-928	AAMVA	Invalid CSOR		29-May-2019			[redacted]	svcwebserv
27-May-2019	1-991-402-752	AAMVA	Mrk Unq Fail		23-May-2019			[redacted]	svcwebserv
28-May-2019	0-276-161-792	AAMVA	Mrk Unq Fail		24-May-2019			[redacted]	svcwebserv
27-May-2019	0-867-263-744	AAMVA	Mrk Unq Fail		23-May-2019			[redacted]	svcwebserv
27-May-2019	1-899-160-832	AAMVA	Mrk Unq Fail		23-May-2019			[redacted]	svcwebserv
27-May-2019	0-878-732-544	AAMVA	Mrk Unq Fail		23-May-2019			[redacted]	svcwebserv
27-May-2019	2-137-466-112	AAMVA	Mrk Unq Fail		23-May-2019			[redacted]	svcwebserv

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Exhibit B (continued):

ATLAS
mnoronha Log Off
Work Item
Work Item
Search
New Manager
Notifications
Get Next Task
View Support ID

Account
Driver/ID *4504

Issuance Transactions | Revenue Transactions | Enforcement Services

Driver/ID | Update Billing | Update Citations
ZHUKOVSKYY, VOLODYMYR V
[redacted]
Driver/ID
[redacted]
Balance 0.00

Current Standing | Update Activities | Evaluate Record
Class A License [redacted]
Date of Birth
Issued : 03-Aug-2018
Expires : 21-Dec-2021
Passenger Status : Active
Driver's Ed Certificate : Active
CDL Status : Active

Demographics
[redacted]
Citations : 0.00
Cert Status : NI
Signature Image

Sequence: 575/5223
Date: 29-May-2019 11:05:29
User: mnoronha
Show Advanced Details
Execution Duration: 47 ms

Open Tasks | View All
Issuance — CDL Medical Certificate Maint
AAMVA — AAMVA Add Conviction

Recent Notes | Add | Hide Related | View All

License | Enforcement | Record | SDIP | Financial | Demographic | CRM | Task | Adjustment | AAMVA | SAVE | Web | Security | Tier II Data
Licenses* | Credential Issuance Activities | Exam Activities | Medical Activities | Miscellaneous | License Documents | Information

Licenses | Show Reversed | Hide History | Filter

Credential	Type	Issue Type	Issued	Expire	Restrictions	Endorsements	Cancelled	Cancel Reason
Class A License	Class A License	Class Change	03-Aug-2018	21-Dec-2021	E	...		
Class A Permit	Class A Permit	New Issuance	26-Jun-2018	26-Dec-2018	...	...	03-Aug-2018	New Credential Issued
Class D Passenger License	Class D License	New Issuance	14-Jun-2017	21-Dec-2021	...	...	03-Aug-2018	New Credential Issued
Class D Passenger Permit	Class D Permit	New Issuance	08-May-2017	08-May-2019	...	...	14-Jun-2017	New Credential Issued
Mass ID Card	Mass ID Card	Duplicate	06-Oct-2014		...	...	02-May-2017	Legacy Deleted License
	Mass ID Card	New Issuance	28-Mar-2014		...	...	06-Oct-2014	Duplicate License
Class D License	Class D License	New Issuance	25-Apr-2013		I	...	28-Mar-2014	New Credential Issued
Class D Permit	Class D Permit	New Issuance	17-Oct-2012	17-Oct-2014	I	...	25-Apr-2013	New Credential Issued

8 Rows

Exhibit C:

Project on a Page (POP) - a

Notes: *1) Small triangles in the corner of a cell - indicates that a comment has been provided to help with completing the field.*
2) This is an embedded Excel worksheet. Double clicking the form will open up Excel. You can also open and complete the embedded Excel file (double click the Excl icon)

Project name:	DCU - OUT OF STATE CITATION DATA ENTRY MIGRATION TO MRB	Project Sponsor:	COSTANTINO
EPM number & name of submitting PF:	FAMILY 8	Name of project initiator/creator: COSTANTINO	Presentation Date: Tuesday, July 5, 2016
PF Processes Impacted/Needed: (number & name: e.g. 6.5 Auto Dealers)		Estimated Duration:	3 MONTHS
		Estimated Project Start:	
		Estimated Go-Live Date:	
Importance of this for achieving other critical goals:	High	Description:	A BUSINESS SOLUTION AND TECHNICAL REASSIGNMENT OF MOTOR VEHICLE CITATION DATA ENTRY TO MRB.

Description

The Driver Control Unit (DCU) is responsible for the maintenance and administration of suspension actions received from multiple stakeholders intrastate and nationwide. The RMV currently receives motor vehicle infraction data from our state partners (49 States) in a paper non-electronic format (mail-in). While antiquated, the transmission process has placed the RMV in a precarious position in that a three year backlog of out-of-state mv citations sit unprocessed. This backlog of citation data entry represents thousands (+> 10, 000) of outstanding license suspension actions and significant lost revenues. More importantly, the failure to process out of state citations and to take the proper suspension action(s) seriously jeopardizes public safety and public trust in our ability to remove dangerous drivers from the Commonwealth's roads. Massachusetts General Laws, Chapter 90 § 27, directs the RMV to maintain accurate motor vehicle records inclusive of all motor vehicle infractions. It is desirable and necessary that the RMV establish a new process for recording out-of-state mv citation violations and the MRB is the natural fit for such a task.

Business Outcome (End Results)

With the migration of out-of-state mv citation processing to MRB, both DCU and the RMV seriously benefit from the accurate reporting, timeliness and posting of mv citation information. The ability of MRB to process and electronically capture image data (On-Base) provides an immediate and tangible data integrity and retrieval benefit. The functionality that comes with a unit already trained and equipped to process citation data (regardless of source / in-state vs. out-of-state) provides the necessary framework and best utilization of RMV resources (no impact bargaining). DCU will significantly improve the transmission and receipt of important public safety license suspension data from state partners nationwide. This implementation will leverage existing technologies to ensure the accurate reporting and release of suspension actions directly from our state partners while saving valuable RMV resources.

Metric	Current Status		Target Status
Through-put			
Customer Sat.			
First Pass Yield			
Cycle Time			
Cost			

Business Value of Outcome

The transition of mv citation data entry to MRB provides the greatest use of finite RMV resources. This migration will enable the RMV and Driver Control Unit (DCU) to realize an immediate improvement in the receipt of cortical and time-sensitive license suspension data. The application of specific mv citation data to an operator's driving record will promote greater accuracy and success in the violation posting process. Further, with access to an established and secure electronic image database, retrieval of important mv citation data is easily accomplished. Finally, the functionality that is only afforded through this migration will promote greater institutional and department efficiencies, making available valuable data linked inextricably to public safety. The avoidance of additional capital to properly fund this project transition should provide the necessary confidence to move forward.

Type of Financial Value

Generate Revenue or Expand Service		Reduce Cost		Protect Revenue or Service		Avoid Cost	

Project Type

☑ Run ☑ Improve ☑ Grow ☑ Transform

Is this a legislative mandate? ☐ Yes ☑ No

Rough Investment

(Technical/Implementation/Training/Communications)

Rough Return on Investment (ROI)

Investment Multiplier		Net Investment Return	#VALUE!

Does it need to start ASAP? ☑ Yes ☐ No

Describe any major intersections with Functional areas that will need to be considered

The ability to migrate mv citation data in an efficient and fiscally prudent manner is critical to maintaining public safety and meeting our statutory obligations.

Processes from other PF's (EPM number & name) that will benefit (significantly) from this effort:

Processes from other PF's (EPM number & name) that will require significant interaction:

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Exhibit D:

9/20/16

Project: OUT OF STATE CITATION DATA ENTRY MIGRATION FROM DCU TO MRB

Purpose: A BUSINESS SOLUTION AND TECHNICAL REASSIGNMENT OF MOTOR VEHICLE CITATION DATA ENTRY TO MRB.

Description:

The Driver Control Unit (DCU) is responsible for the maintenance and administration of suspension actions received from multiple stakeholders intrastate and nationwide. The RMV currently receives motor vehicle infraction data from our state partners (49 States) in a paper non-electronic format (mail-in). While antiquated, the transmission process has placed the RMV in a precarious position in that a three year backlog of out-of-state mv citations sit unprocessed. This backlog of citation data entry represents thousands (+> 100, 000) of outstanding license suspension actions and significant lost revenues. More importantly, the failure to process out of state citations and to take the proper suspension action(s) seriously jeopardizes public safety and public trust in our ability to remove dangerous drivers from the Commonwealth's roads. Massachusetts General Laws, Chapter 90 § 27, directs the RMV to maintain accurate motor vehicle records inclusive of all motor vehicle infractions. It is desirable and necessary that the RMV establish a new process for recording out-of-state mv citation violations and the MRB is the natural fit for such a task.

Business Outcome:

With the migration of out-of-state mv citation processing to MRB, both DCU and the RMV seriously benefit from the accurate reporting, timeliness and posting of mv citation information. The ability of MRB to process and electronically capture image data (File-Net) provides an immediate and tangible data integrity and retrieval benefit. The functionality that comes with a unit already trained and equipped to process citation data (regardless of source / in-state vs. out-of-state) provides the necessary framework and best utilization of RMV resources (no impact bargaining). DCU will significantly improve the transmission and receipt of important public safety license suspension data from state partners nationwide. This implementation will leverage existing technologies to ensure the accurate reporting and release of suspension actions directly from our state partners while saving valuable RMV resources.

Business Value:

The transition of mv citation data entry to MRB provides the greatest use of finite RMV resources. This migration will enable the RMV, Driver Control Unit (DCU) and MRB to realize an immediate improvement in the receipt of cortical and time-sensitive license suspension data. The application of specific mv citation data to an operator's driving record will promote greater accuracy and success in the violation posting process. Further, with access to an established and secure electronic image database, retrieval of important mv citation data is easily accomplished. Finally, the functionality that is only

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Exhibit D (continued):

afforded through this migration will promote greater institutional and department efficiencies, making available valuable data linked inextricably to public safety. The avoidance of additional capital to properly fund this project transition should provide the necessary confidence to move forward quickly.

Approach:

Agile Methodology : 3 Sprints

Sprint # 1 : Internal testing of the data entry pathways to mitigate risks of improper application of infraction data to an operator's diving record. Further testing of the adjudication cycles to mitigate improper creation of erroneous notices of suspension or revocation.

Status Update - Tasks:

- UAT complete on the SOC / data entry screen.
- Data entry user identification exists via the SOC screen and batch transaction code (ALARS). Quality control and audit capabilities available with user identification.
- Data entry clerks unable to post citation data to driving record if information already exists on record (No Data-Entry Duplication).
- Data entry clerks able to correct errors (fat-fingered data) via the delete and reverse functions available on the SOC screen.
- Instructions for data entry on the SOC screen prepared with ALARS screen shots and text box highlighting.
- The mapping of the mv infractions to the driving record complete.
- *The adjudication rules for issuing notice of suspension still being discussed.*
- *The business rules for SDIP surcharge calculations still being discussed.*
- The availability of funds to cover the costs of necessary scanning templates located, with the RMV/MRB sharing the costs of the template upgrades.
- On-Base data repository available for imaged out-of-state citation data. The ability to retrieve out-of-state citation data driven by system generated 14 digit batch code (ALARS).

Sprint # 2 : Launch DCU/MRB Data Migration Pilot. The pilot will incorporate transitioning the out-of-state citation data from our New England states (VT/ME/RI/CT/NH) to the MRB. The MRB will identify and enter pertinent information that is critical to accurate infraction reporting and adjudication. The MRB will capture electronically (scan) the reporting data and allow retrieval only for limited pre-defined purposes by authorized users. The DCU/MRB will jointly develop data analytics to monitor project and pilot success.

Sprint # 3 : Launch the remaining transition of out-of-state citation data from all jurisdictions. The DCU/MRB will work collaboratively to responsibly mitigate back-log while achieving success on the transition and posting of all foreign citation data. Properly scope and estimate human resources needed to complete project objectives.

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Exhibit D (continued):

Prepare and deliver final report on raw data captured with associated metrics to highlight project success.

Training:

Minimal efforts to train MRB staff as screen familiarity is already present in the data entry operation. A small effort to establish a scanning destination that is shared and readily accessible in the event a data retrieval request is made. Communicating the delivery of physical data (envelopes / mail crates) from the Haymarket DCU mail facility to the Quincy HQ mail facility.

Future State:

Leveraging the COTS solution to more effectively communicate with our fellow state departments of motor vehicles. Approaching the S2S electronic transmission conversation with a best practices approach to citation governance.

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Exhibit E:

Costantino, Keith (DOT)

From:	Costantino, Keith (DOT)
Sent:	Wednesday, October 5, 2016 5:29 PM
To:	Deveney, Erin (DOT)
Subject:	Draft Memo
Attachments:	MRB_CitationMigration_Memo_10_5_16.docx

Hi Erin,

Per our discussion on Monday, October 3rd, 2016, at the Quincy RMV, please see attached draft memorandum.

If the information or format needs to be redrafted, please let me know and I will work quickly to get you another copy for review.

Thanks,

Keith

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Exhibit E (continued):

10/5/16

MEMORANDUM

TO: Office of the Governor – Legal Department / MassDot Legal Department
FROM: Erin Deveney – Registrar of Motor Vehicles
Tom Bowes – Merit Rating Board – State Director
Keith Costantino – Driver Control Unit – State Director
DATE: October 7, 2016
RE: Out-of-State Motor Vehicle Citation Surcharge Points

In an effort to maintain public safety nationwide, the Massachusetts RMV and fellow motor vehicle agencies participate in an information sharing network that relays certain motor vehicle citation data. While there are some jurisdictions that relay motor vehicle citation data electronically, Massachusetts receives a large volume of this data via a paper-based reporting system. As such, the Massachusetts RMV is responsible for posting in-state and out-of-state motor vehicle citation data to an operator's driving record. For the purposes of this memorandum, the RMV will be addressing the out-of-state motor vehicle citation data entry component only.

As the result of new developments, the unit designated specifically to accomplish this task of entering and posting out-of-state citation data to a driving record will be the Merit Rating Board. The RMV's Driver Control Unit has identified a backlog of paper-based out-of-state citations that have yet to be entered on the driving records of Massachusetts operators. These citations point to Massachusetts operators who have been cited and found either responsible or guilty of committing certain motor vehicle traffic violations in fellow jurisdictions. In an effort to responsibly and equitably resolve this data entry backlog of out-of-state citation data, the RMV has partnered with the Merit Rating Board to mitigate this current data entry impediment. The RMV has further consulted with the Division of Insurance to explore the impact of attaching surchargeable points to an operator's insurance policy with the addition of out-of-state motor vehicle citations.

The RMV has identified a pathway towards resolution and recommends a specific protocol to reach its objective of speedy data entry of out-of-state citations. First, the RMV has undertaken the steps necessary to identify and properly scope the programmatic changes that would be required to institute timely posting of out-of-state motor vehicle citation data. Second, the RMV has secured the financial and human resources to meet this data entry backlog challenge. Third, the RMV is estimating that the effort needed to clear the out-of-state citation data backlog is approximately three to six months. Fourth, the statutory and regulatory requirements surrounding the posting of out-of-state citation data to a driving record may result in insurance premium adjustments, however, the ability to properly assess risk by the insurer and public safety mitigate this consumer impediment. Fifth, the license suspension and financial impact arguments made by aggrieved operators moving forward are moot, as the posting of out-of-state citation data will occur within statutory timeframes and in a routine and timely manner.

With some 5 ½ million licensed operators in the Commonwealth of Massachusetts, the RMV is seeking approval of its' out-of-state citation data entry remediation plan. The RMV has weighed the institutional, financial and consumer impact against the public safety mandate articulated by this administration and is confident that an expeditious resolution is at hand. The RMV is requesting your support and cooperation in moving this project towards execution.

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Exhibit F:

Costantino, Keith (DOT)

From: Bowes, Tom (DOT)
Sent: Monday, March 20, 2017 6:55 AM
To: Costantino, Keith (DOT)
Subject: RE: Out of State Citations

Excellent,

Thank you,
Tom

From: Costantino, Keith (DOT)
Sent: Friday, March 17, 2017 6:16 PM
To: Bowes, Tom (DOT)
Cc: Lavoie, Sara (DOT); Deveney, Erin (DOT)
Subject: Out of State Citations

HI Tom,

I just wanted to touch down on the Out of State citations project as the materials have been scheduled for pick up by the warehouse. In the event that there is a request to retrieve information, all of the citations have been organized by state and dated chronologically. I have attached the "tear sheet" of states with a photo of the labeling to assist in retrieval of documentation if and/or when necessary.

Sincerely,

Keith

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Exhibit G:

Exhibit H:

MassDOT Special Projects Audit of Merit Rating Board

massDOT
Massachusetts Department of Transportation

RMV Merit Rating Board (MRB) - Special Projects Audit
Preliminary Audit Findings- Final

Prepared by: Audit Operations- Special Projects Manager, Brie-Anne Dwyer

Meeting with Director of the MRB

Date: April 3, 2019, 1pm

Currently, MassDOT Audit Operations Special Projects is performing an audit of the RMV Merit Rating Board. One of the objectives of our audit is to determine if policies, procedures and internal controls are in place and being consistently adhered to, and to provide recommendations for management to help mitigate internal control deficiencies within the MRB Department. As a result of our audit fieldwork to date, we have identified the following three preliminary audit findings:

- **Finding #1 – OOS Conviction Queue Open Tasks**
  - While researching in ATLAS, we identified an open queue for OOS Convictions with 12,829 open tasks. According to G.L. 90 § 22(c), the MRB is required to enter convictions to customers' records upon any written notifications.
- **Recommendation #1**
  - We recommend that the MRB give these open tasks to the Driver Control Unit (DCU) since they initially handle these requests.
- **Director's Response #1**
  - Merit Rating Agrees with this finding and is planning to transfer to the Driver Control Unit within 60 days, June 28, 2019.

- **Finding #2 – Application of Customer Payments**
  - There are a number of payment transactions where customers mail in citations, either to pay their citations or to request hearings, and the payments are not being applied timely. Currently, the MRB CMVI Payments Unit is working on June, 2018. In accordance to G.L 90C § 3, a customer has twenty days to comply.
- **Recommendation #2**
  - We recommend that the MRB grant hearings whether or not the customers paid the citations. Customers who initially sent in requests for hearings within twenty days should be granted hearings even if they paid their tickets prior to the hearings. Customers are not given due process to appeal citations. Refunding the customers $25 should not be the option.

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Exhibit H (continued):

MassDOT Special Projects Audit of Merit Rating Board

massDOT
Massachusetts Department of Transportation

- **Director's response #2**
  - If CMVI were to grant hearing on these items it would cause major issues with the courts. Payments on citations would need to be reimbursed along with Late and Release fees. We have been working with FAST and we are now able to see up to 10,000 rows for which we can now work the oldest to newest, the backlog should be cleared up within 90 days, July 31, 2019.

- **Finding #3 – Safeguarding and Monitoring Customer Funds**
  - We noticed a lack of safeguarding and monitoring of customers' monies.
- **Recommendation #3**
  - The MRB should strengthen physical security by installing security cameras in areas where customers' payments are being processed. In addition, updated policies and procedures need to be implemented to ensure the security of both the mail and payments. At no time should monies be left unattended. All monies should be placed in a safe for safekeeping when staff leaves the processing area.
- **Director's response #3:**
  - We discussed with the leader of CMVI that going forward, when an employee is leaving the area and there are checks on the desk, the checks are to be placed in the desk drawer and locked. The key should stay with the employee. This went into effect immediately once brought to the MRB's attention.
  - The previous audit also suggested placing cameras in areas where customers' payments are being processed. This was discussed with Labor Relations and we were informed that this would have to be negotiated with the Union. We have not heard back from Labor to date which is still in on-going discussion.

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Exhibit I:

CONNECTICUT DEPARTMENT OF MOTOR VEHICLES
DRIVER SERVICES DIVISION
60 STATE ST
WETHERSFIELD, CONNECTICUT 06161-1013
PHONE: 860-263-5720

PAGE: 0003
DATE: 05/28/19

DRIVER LICENSE COMPACT VIOLATIONS COMMITTED IN CONNECTICUT RESULTING IN CONVICTIONS

TO: MASSACHUSETTS

OFFICIAL NOTICE THAT THE FOLLOWING DRIVERS WITHIN YOUR JURISDICTION HAVE RECEIVED CITATIONS IN THE STATE OF CONNECTICUT

NAME: ZHUKOVSKYY,VOLODYMYR,V
DRIVER LICENSE JURISDICTION: MA
CURRENT DRIVER LICENSE JURISDICTION:
DRIVER SSN:
CONVICTING JURISDICTION: CT
COMMERCIAL VEHICLE: YES
ACD CODE: A12
STATE NATIVE CODE: 14227B
COURT TYPE: ADMINISTRATIVE

DOB: [redacted]
LICENSE NUMBER: [redacted]
CURRENT LICENSE NUMBER:
CITATION DATE: 05/11/2019
CONVICTION DATE: 06/10/2019
HAZMAT:
ACD DETAIL:
COURT REPORT IDENTIFIER: 19002512

PURSUANT TO SECTION 14-3 OF THE CONNECTICUT GENERAL STATUTES, I, DIVISION CHIEF GEORGE WHITE, HEREBY ATTEST THAT THIS CERTIFIED DOCUMENT IS A TRUE COPY AND BASED UPON SUCH CERTIFICATION IS COMPETENT EVIDENCE IN ANY COURT OF THIS STATE OF THE FACTS CONTAINED HEREIN.

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Exhibit J:

Costantino, Keith (DOT)

From: Bowes, Tom (DOT)
Sent: Tuesday, March 7, 2017 7:02 AM
To: Costantino, Keith (DOT)
Subject: RE: Out of State

Same here,
Thanks for following up.
Let's get this started.

From: Costantino, Keith (DOT)
Sent: Monday, March 06, 2017 6:13 PM
To: Bowes, Tom (DOT)
Subject: RE: Out of State

HI Tom,

I hope she is able to get a quick answer from legal, I will follow up with her tomorrow.

Thanks,

Keith

From: Bowes, Tom (DOT)
Sent: Monday, March 6, 2017 4:19 PM
To: Costantino, Keith (DOT)
Subject: Out of State

Keith,

I spoke with the Registrar this afternoon regarding the above. Looks like we are waiting for Legal before we can start.

Tom Bowes
Director, Merit Rating Board
25 Newport Ave Ext.
Quincy, MA. 02171

Tel: [redacted]
Fax:

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Exhibit K:

Costantino, Keith (DOT)

From: Costantino, Keith (DOT)
Sent: Thursday, February 23, 2017 3:50 PM
To: Bowes, Tom (DOT)
Subject: Re: OOS

Hi Tom,

Thanks for the update, hope we can get confirmation from the Registrar and Governor's office soon to proceed.

Keith

Sent from my iPhone

On Feb 23, 2017, at 3:48 PM, Bowes, Tom (DOT) [redacted] wrote:

> Hey Keith,
> Just wanted to let you know that Tom & I went over to the DOI regarding fast. Near the end of the conversation they asked about the OOS situation and it looks as though when all parties are ready we might start on a certain date and go 6 months back.
> Looking good sitting at the table.
> Tom Bowes
> Director, Merit Rating Board
> 25 Newport Ave Ext.
> Quincy, MA. 02171
> Tel: [redacted]
> Fax: [redacted]

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Exhibit L:

Cabey, Donna Y. (DOT)

From: Bowes, Tom (DOT)
Sent: Thursday, August 30, 2018 10:58 AM
To: Cabey, Donna Y. (DOT)
Cc: Ruffin, Patricia A. (DOT)
Subject: RE: PRR

OOS has not been processed since Release 1 as our work is priority.

From: Cabey, Donna Y. (DOT)
Sent: Thursday, August 30, 2018 10:40 AM
To: Bowes, Tom (DOT)
Cc: Ruffin, Patricia A. (DOT)
Subject: FW: PRR

Tom,
Sorry forgot to add that I am not familiar with what has been decided for the submission of OOS records. The reply is due on 9/7. I have to reply through GovQA.

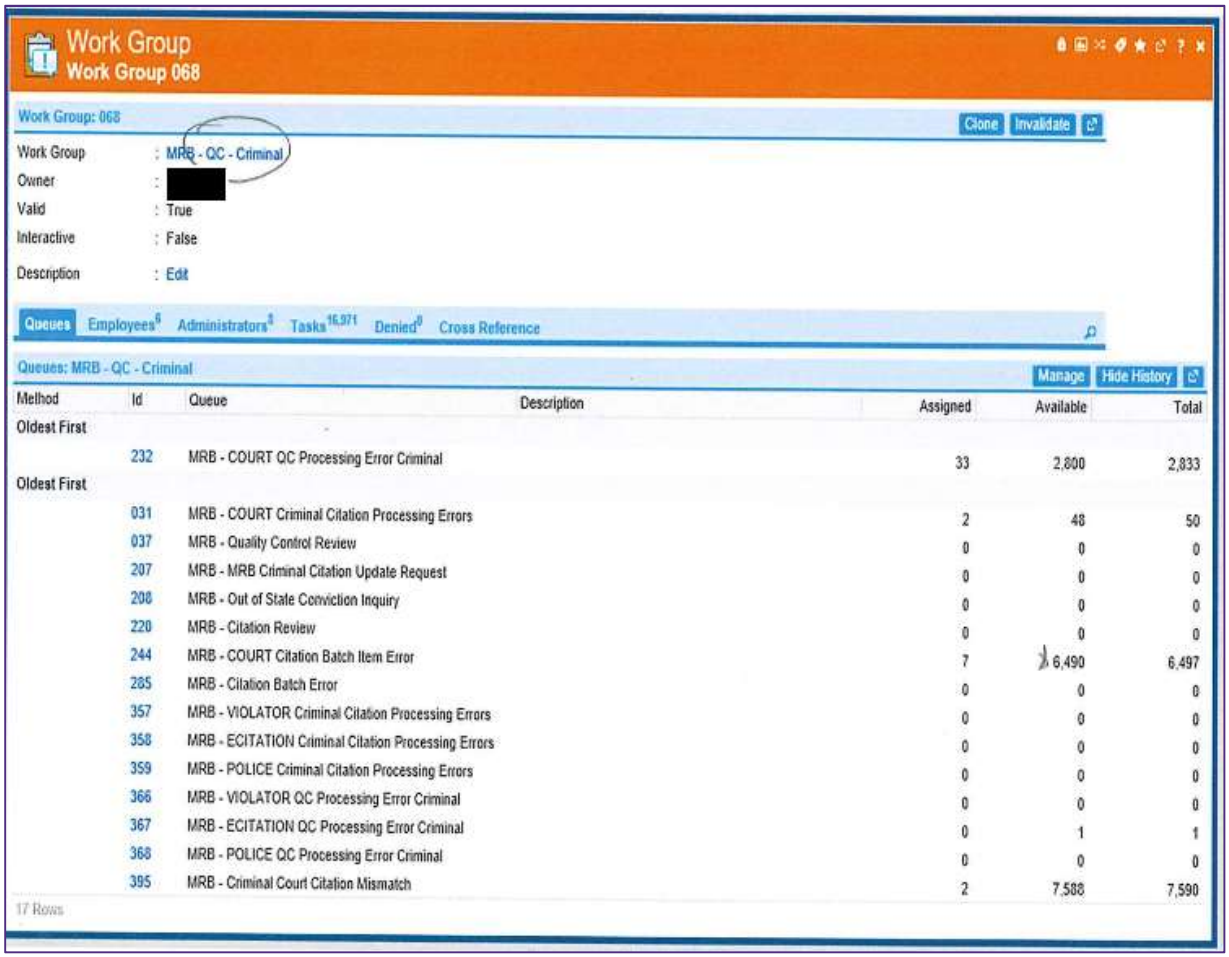
Thank you for your help,

Donna

From: Cabey, Donna Y. (DOT)
Sent: Thursday, August 30, 2018 10:31 AM
To: Bowes, Tom (DOT)
Cc: DaSilva, Sofia (DOT) [redacted] 'Cabey, Donna (MRB)'
Subject: FW: PRR

Tom,
Please the request below.

Exhibit M:



Method	Id	Queue	Description	Assigned	Available	Total
Oldest First						
	232	MRB - COURT QC Processing Error Criminal		33	2,800	2,833
Oldest First						
	031	MRB - COURT Criminal Citation Processing Errors		2	48	50
	037	MRB - Quality Control Review		0	0	0
	207	MRB - MRB Criminal Citation Update Request		0	0	0
	208	MRB - Out of State Conviction Inquiry		0	0	0
	220	MRB - Citation Review		0	0	0
	244	MRB - COURT Citation Batch Item Error		7	6,490	6,497
	285	MRB - Citation Batch Error		0	0	0
	357	MRB - VIOLATOR Criminal Citation Processing Errors		0	0	0
	358	MRB - ECITATION Criminal Citation Processing Errors		0	0	0
	359	MRB - POLICE Criminal Citation Processing Errors		0	0	0
	366	MRB - VIOLATOR QC Processing Error Criminal		0	0	0
	367	MRB - ECITATION QC Processing Error Criminal		0	1	1
	368	MRB - POLICE QC Processing Error Criminal		0	0	0
	395	MRB - Criminal Court Citation Mismatch		2	7,588	7,590

Exhibit N:

My Work

My Work | My Tags | My Profile | My Agency | My Print Folders

My Work | Work Group | Checked Out Attachments[0] | Processes[3] | Appointments[0] | Interactive Log

Employee: Michael Noronha

User : [redacted]
Manager :
Work Group : Driver Licensing - Support - AAMVA

1 Complete | 23 Assigned | 87,869 Available

Queues: Driver Licensing - Support - AAMVA | Hide History

Method	Id	Queue	Description	Assigned	Available	Total
Oldest First						
	397	AAMVA Add Conviction & Withdrawal Ite		0	12	14
	400	Multiple RDs returned from Inquiry		0	72	84
Oldest First						
	398	NDR PDPS Inquiry Results		0	23,357	23,440
Oldest First						
	006	SPEXS Override	Review and Override Request	0	12	12
Oldest First						
	049	AAMVA/SPEX Work Items - Priority	SPEX Group- Priority & S2S Bulk Files	21	39,116	39,197
Oldest First						
	050	AAMVA Work Items	AAMVA Work Items & Possible Duplicates	0	25,275	25,276
Oldest First						
	200	DL - Issuance Reversal		0	0	2
Oldest First						
	010	ADA Exam Assistance		0	0	6
Oldest First						
	007	Returned Credentials - Re-Mail		0	10	10
Oldest First						
	008	Returned Credentials - Destroy		0	11	13
Oldest First						
	009	Returned Credentials - Send to Service t		0	4	4

21 Rows

Exhibit O:

Kaderis, Geordan (ATLAS)

From: Kaderis, Geordan (ATLAS)
Sent: Tuesday, March 19, 2019 4:34 PM
To: Crispin, Susan (DOT); Hoban, Jennifer (DOT)
Cc: McCollem, Steve (DOT); Winkler, Brian (ATLAS)
Subject: RE: AAMVA Interventions & Work Items

SQR 7144 and 7145 created for these. Once 7145 is finished we will re-queue the interventions.

Thank you!

Best,
Geordan Kaderis

From: Crispin, Susan (DOT)
Sent: Tuesday, March 19, 2019 12:24 PM
To: Kaderis, Geordan (ATLAS) <[redacted]; Hoban, Jennifer (DOT) <[redacted]>
Cc: McCollem, Steve (DOT) <[redacted]; Winkler, Brian (ATLAS) <[redacted]>
Subject: RE: AAMVA Interventions & Work Items

I am ok with it with just a little change to the wording on number 3. It is OOS violations being *created* when a State sends only a withdrawal.

Susan Crispin
Program Coordinator
Motor Carrier Safety Improvement Act
SPEXS/CDLIS Helpdesk
MASSDOT/RMV
Driver Licensing
[redacted]

From: Kaderis, Geordan (ATLAS)
Sent: Tuesday, March 19, 2019 10:03 AM
To: Crispin, Susan (DOT); Hoban, Jennifer (DOT)
Cc: McCollem, Steve (DOT); Winkler, Brian (ATLAS)
Subject: RE: AAMVA Interventions & Work Items

Sue, it sounds like we are on the same page with the second issue!

I am still looking into the OOS violations being sent with just a withdrawal. I completely understand that this is an issue and needs to be rectified. At the moment, I am unsure if this is being done by a core process or if this can be fixed on site. I would like to work that as a separate SQR. Again, I understand the urgency of getting the issue cleared up so we are in compliance with AAMVA.

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Exhibit O (continued):

The issue that this e-mail originally stemmed from was a result of messages that we were not able to successfully processed. The messages need to be reprocessed, so I would like to do that after I have updated our criteria for making duplicate violation and conviction work items.

So, if I can get your signoff I would do the following:

1. Update the criteria we are using to create duplicate violations and convictions.
2. Reprocess the messages causing these errors.
3. Work on fix for OOS violations being sent with just a withdrawal.

If you have any questions please let me know.

Best,
Geordan Kaderis

From: Crispin, Susan (DOT)
Sent: Tuesday, March 19, 2019 9:07 AM
To: Kaderis, Geordan (ATLAS) <[redacted]>; Hoban, Jennifer (DOT) <[redacted]>
Cc: McCollem, Steve (DOT) <[redacted]>; Winkler, Brian (ATLAS) <[redacted]>
Subject: RE: AAMVA Interventions & Work Items

I just want to make sure that I understand the first issue. The issue with us creating an OOS violation when a Jurisdiction sends us just a withdrawal is something that we are not allowed to do per AAMVA rules. We have already been called out by one State on this practice. So it wasn't so much the work items that were the issue, it was the practice of creating OOS violations that the other State never sent us that was generating them in the first place.

As far as the second issue, Atlas should really be looking at the locator reference as well as an individual can get multiple violations on the same day in the same State in different locations. The different underlying conviction would also lead me to believe that they are not, in fact, duplicates.

Susan Crispin
Program Coordinator
Motor Carrier Safety Improvement Act
SPEXS/CDLIS Helpdesk
MASSDOT/RMV
Driver Licensing
[redacted]

From: Kaderis, Geordan (ATLAS)
Sent: Friday, March 15, 2019 11:44 AM
To: Crispin, Susan (DOT); Hoban, Jennifer (DOT)
Cc: McCollem, Steve (DOT); Winkler, Brian (ATLAS)
Subject: RE: AAMVA Interventions & Work Items

Sue and Jen,

Exhibit O (continued):

We decided to split these into different SQRs and I wanted to give an update and ask for some more clarification. If you have any questions please let me know.

1. The issue with creating findings with the FAST.VAMV will be worked as a separate item. In the meantime, when we re-queue these interventions we will systematically cease the AAMVA Add work items and reverse any convictions that are marked as duplicates.
2. The possible duplicate violations we are seeing are being caused by violations that have the same offense date, source state, and violation code. They do differ on the underlying violation though, so I am under the impression that the form should still post without creating a work item. I wanted to verify that this is correct, I will include screenshots for example.

Original Conviction:

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Exhibit O (continued):[117]

[redacted]

[117] This redaction is a screenshot of a driver record.

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Exhibit O (continued): [118]

Best,
Geordan Kaderis

From: Crispin, Susan (DOT)
Sent: Friday, March 8, 2019 3:03 PM
To: Kaderis, Geordan (ATLAS) <; Hoban, Jennifer (DOT)
<
Cc: McCollem, Steve (DOT) <>
Subject: RE: AAMVA Interventions & Work Items

[118] This redaction is a screenshot of a driver record.

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Exhibit O (continued):

For the AAMVA add conviction ones, those should all be closed. These are all fictitious convictions that Atlas is creating when another State sends a withdrawal with no underlying conviction. In some cases, an underlying conviction is not required. If one is required, we should be rejecting the withdrawal entirely. We have already been called out by Oregon on this practice as they noticed that Atlas created an Oregon conviction that they never sent us.

The Invalid conviction form ones are the same issue. They should not even exist. We should not be accepting the incoming information if it is not in the proper format. No department has time to call the other States for the information. We have a similar issue with the possible duplicate violation ones. If Alars was smart enough to reject an OOS conviction because it is a duplicate of one that we already have then we should not be accepting it at all. I have also experienced issues with these where I choose to reverse it and it reverses the original one as well.

Susan Crispin
Program Coordinator
Motor Carrier Safety Improvement Act
SPEXS/CDLIS Helpdesk
MASSDOT/RMV
Driver Licensing
[redacted]

From: Kaderis, Geordan (ATLAS)
Sent: Friday, March 8, 2019 1:29 PM
To: Crispin, Susan (DOT); Hoban, Jennifer (DOT)
Cc: McCollem, Steve (DOT)
Subject: AAMVA Interventions & Work Items

Sue and Jen,

We recently pushed up a change that cleans up 527 interventions from our queue, but when the interventions are re-queued we are creating work items with them. If we re-queue these now, we are looking at creating 890 work items, but the messages will successfully process. I will include a breakdown of what we are potentially looking at:

AAMVA Add Conviction: 123 Items
Possible Duplicate: 20 Items
Possible Duplicate Violation: 246 Items
Invalid Conviction Form: 501 Items

The Invalid Conviction Forms will not have to be worked and will be fixed by SQR 6787 (they are Massachusetts convictions that we are incorrectly receiving). Realistically we are looking at 389 items, but I am not sure how they are supposed to be handled process wise. With that said, could you shed some insight on the following:

1. Should the remaining work items be manually worked, or should we handle them systematically?
    a. AAMVA Add Conviction: 123 Items
    b. Possible Duplicate: 20 Items

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Exhibit O (continued):

c. Possible Duplicate Violation: 246 Items

2. How do we normally handle these work items process wise?
3. Do you have any objections to re-queuing these interventions and creating the work items?

I realize that this is a lot of work items, but we have been sitting on these errors for some time. My thought process is that we process the messages to lower our intervention count and either work the items or create a way to systematically take care of them. I wanted to get your input and keep you in the loop of what is going on. If you would like to discuss this further or if you have any questions let me know!

Best,
Geordan Kaderis

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